

# SENATE JOURNAL

—1987—

VOLUME 1

REGULAR SESSION

FIFTIETH LEGISLATURE

## STATE OF WASHINGTON

AT

## OLYMPIA, the State Capitol

1987 Regular Session Convened January 12, 1987  
Adjourned *SINE DIE* April 26, 1987

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



MARY WILEY  
*Minute and Journal Clerk*

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

## SENATE CAUCUS OFFICERS

### DEMOCRATIC CAUCUS

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

### REPUBLICAN CAUCUS

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

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

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**JOURNAL OF THE SENATE  
STATE OF WASHINGTON  
1987 REGULAR SESSION  
FIFTIETH LEGISLATURE**

**FIRST DAY**

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**NOON SESSION**

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Senate Chamber, Olympia, Monday, January 12, 1987

Pursuant to law, the Senate of the 1987 Regular Session of the Fiftieth Legislature of the state of Washington was called to order at 12:00 noon by Lieutenant Governor John A. Cherberg, President of the Senate.

The Sergeant at Arms Color Guard, consisting of Pages Andrea Driano and Chad Beebe, presented the Colors. The Reverend Lee Forstrom, pastor of the Westwood Baptist Church of Olympia, offered the prayer.

**ROLL CALL**

The Acting Secretary called the roll of holdover members of the Senate: Senators Cliff Bailey, Albert Bauer, R. Ted Bottiger, Emilio Cantu, Paul H. Conner, Ellen Craswell, Alex A. Deccio, Arlie U. DeJarnatt, Avery Garrett, Marcus S. Gaspard, Stuart A. "Stu" Halsan, Jeannette Hayner, Stanley C. Johnson, Bill Kiskaddon, Mike Kreidler, Bob McCaslin, Jack Metcalf, E. G. "Pat" Patterson, Lowell Peterson, Gerald (Jerry) Saling, George L. Sellar, Lois J. Stratton, R. Lorraine Wojahn, Hal Zimmerman.

All members were present except Senator McCaslin.

**APPOINTMENT OF SPECIAL COMMITTEE**

The President of the Senate appointed a committee of honor consisting of Senators Halsan and Patterson to escort the Honorable Jim Anderson, Justice of the Supreme Court of the state of Washington, to the Senate Chambers and a seat upon the rostrum.

The President introduced the Honorable Jim Anderson who will administer the oath of office to the newly elected and re-elected Senators.

**MESSAGE FROM THE SECRETARY OF STATE**

The Honorable,  
President of the Senate  
The Legislature of the State of Washington  
Olympia, Washington  
Mr. President:

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

LIST OF SENATORS ELECTED NOVEMBER 4, 1986

DISTRICT	NAME	COUNTIES REPRESENTED
No. 6	James E. West	Spokane, part
No. 7	Scott Barr	Ferry, Lincoln, Okanogan, part, Pend Oreille, Spokane, part, and Stevens
No. 8	Max E. Benitz	Benton, part

No. 13	Frank "Tub" Hansen	Adams, part, Grant, part, Kittitas, part, and Yakima, part
No. 15	Irving Newhouse	Benton, part, and Yakima, part
No. 21	Gary Nelson	Snohomish, part
No. 26	Bill Smitherman	Kitsap, part, and Pierce, part
No. 29	A. L. Rasmussen	Pierce, part
No. 30	Peter von Reichbauer	King, part, and Pierce, part
No. 31	Frank Warnke	King, part, and Pierce, part
No. 32	Al Williams	King, part,
No. 33	Eleanor Lee	King, part,
No. 34	Phil Talmadge	King, part
No. 35	Brad Owen	Grays Harbor, part, Kitsap, part, Mason, and Thurston, part
No. 36	Ray Moore	King, part
No. 37	George Fleming	King, part
No. 38	Larry L. Vognild	Snohomish, part
No. 42	Ann Anderson	Whatcom, part
No. 43	James A. McDermott	King, part
No. 44	Rick S. Bender	King, part, and Snohomish, part
No. 45	Alan Bluechel	King, part
No. 46	Nita Rinehart	King, part
No. 47	Kent Pullen	King, part
No. 48	Dan McDonald	King, part

LIST OF HOLDOVER SENATORS

DISTRICT	NAME	COUNTIES REPRESENTED
No. 1	Bill Kiskaddon	King, part, and Snohomish, part
No. 2	R. Ted Bottiger	Pierce, part, and Thurston, part
No. 3	Lois J. Stratton	Spokane, part
No. 4	Bob McCaslin	Spokane, part
No. 5	Gerald L. Saling	Spokane, part
No. 9	E. G. Patterson	Adams, part, Asotin, Columbia, Garfield, Franklin, part, and Whitman
No. 10	Jack Metcalf	Island, Skagit, part, and Snohomish, part
No. 11	Avery Garrett	King, part
No. 12	George L. Sellar	Chelan, Douglas, Grant, part, Kittitas, part and Okanogan, part
No. 14	Alex A. Deccio	Yakima, part
No. 16	Jeannette Hayner	Benton, part, Franklin, part, and Walla Walla
No. 17	Harold S. Zimmerman	Clark, part, Klickitat, and Skamania
No. 18	Joe Tanner	Clark, part, and Cowlitz, part
No. 19	Arlie U. DeJarnatt	Cowlitz, part, Grays Harbor, part, Pacific, and Wahkiakum, part
No. 20	Stuart Halsan	Lewis, and Thurston, part
No. 22	Mike Kreidler	Thurston, part
No. 23	Ellen Craswell	Kitsap, part
No. 24	Paul H. Conner	Clallam, Grays Harbor, part, and Jefferson
No. 25	Marcus Gaspard	Pierce, part
No. 27	R. Lorraine Wojahn	Pierce, part
No. 28	Stanley C. Johnson	Pierce, part
No. 39	Cliff Bailey	Snohomish, part
No. 40	Lowell Peterson	San Juan, Skagit, part, and Whatcom, part
No. 41	Emilio Cantu	King, part
No. 49	Albert Bauer	Clark, part

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

(Seal)

Ralph Munro, Secretary of State

## ROLL CALL

The Acting Secretary called the roll of the following re-elected Senators: Senators Scott Barr, Max E. Benitz, Frank "Tub" Hansen, Irving Newhouse, A. L. "Slim" Rasmussen, Peter von Reichbauer, Frank Warnke, Al Williams, Eleanor Lee, Phil Talmadge, Brad Owen, Ray Moore, George Fleming, Larry L. Vognild, James A. McDermott, Rick S. Bender, Alan Bluechel, Nita Rinehart, Kent Pullen, Dan McDonald.

All members were present.

The Acting Sergeant at Arms escorted each of the newly re-elected members of the Senate to the bar of the Senate to receive the oath of office.

Justice Jim Anderson of the Washington State Supreme Court thereupon administered the oath of office to each of the newly re-elected members.

The President presented to each of the newly re-elected Senators a certificate of election.

## ROLL CALL

The Acting Secretary of the Senate called the roll of the following newly elected and appointed members of the Senate: Senators Ann Anderson, Gary A. Nelson, Bill Smitherman, Joe Tanner and James E. West.

All members were present.

The Acting Sergeant at Arms escorted each of the newly elected and appointed members of the Senate to the bar of the Senate to receive their oath of office.

Justice Jim Anderson of the Washington State Supreme Court thereupon administered the oath of office to each of the newly elected and appointed members.

The President presented to each of the newly elected and appointed Senators a certificate of election.

## ELECTION OF PRESIDENT PRO TEMPORE

The President declared nominations to be open for President Pro Tempore of the Senate.

## REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Thank you, Mr. President. It is with great pride that I offer the name of A. L. "Slim" Rasmussen as President Pro Tempore for the Washington State Senate. We we all know Slim in the Washington State Senate. He may be occasionally wrong, but we know he is never in doubt. It has been said that Slim can be unreasonable, but I have to say he is at least as reasonable as I am.

"We do know that Slim is one of our more beloved members of the Washington State Senate. He is a man who has the courage of his convictions and is never fearful of expressing those convictions to us. His memory of the Washington State Senate, its practices and its people is almost legendary and is exceeded perhaps only by the President and by our Secretary of the Senate to be. Slim is gifted with that institutional memory which is special and he is a special member for us. He reminds us of one thing constantly that I think is very important. He reminds us of our constituents and he reminds us of the people of our state and that we should not forget those people. It is certainly with a great deal of pride and a great deal of pleasure that I offer the name of Senator A. L. "Slim" Rasmussen in nomination for President Pro Tempore of the Senate. I have to say it was an honor that Slim would ask me to make the nominating speech for him. Thank you."

## REMARKS BY SENATOR HAYNER

Senator Hayner: "Mr. President, ladies and gentlemen of the Senate, with a great deal of pride, I rise to second the nomination of Senator A.L. "Slim" Rasmussen as President Pro Tempore. Slim has served in this body for many years. He is a practical man and one in whom I think, we all have a great deal of faith and I look forward to his service in this position. Thank you."

## MOTION

On motion of Senator Vognild, the nominations for President Pro Tempore were closed.

## MOTION

On motion of Senator Zimmerman, Senator McCaslin was excused.

## ROLL CALL

The Acting Secretary called the roll and Senator A. L. "Slim" Rasmussen was elected President Pro Tempore of the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator McCaslin - 1.

## APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Moore and Newhouse as a committee of honor to escort Senator Rasmussen to the rostrum.

Justice Jim Anderson of the Washington State Supreme Court administered the oath of office to Senator Rasmussen.

## REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "I just want to say thank you very much and I hope I justify your confidence in me. With the harmony that has been shown, we will have less than one hundred five days. We will shorten up this session and be on our way. Thank you."

## REMARKS BY THE PRESIDENT

President Cherberg: "Senator Rasmussen, and other honored members of the Senate, with your approval, the President would like to thank you for choosing such an outstanding individual to be President Pro Tempore. I also wish to congratulate Senator Rasmussen and I am looking forwarding with great interest to working with you, Slim. I wish you a very successful career as President Pro Tempore.

The committee of honor escorted Senator Rasmussen to his seat in the Senate Chambers and the committee was discharged.

## ELECTION OF VICE PRESIDENT PRO TEMPORE

The President declared nominations to be open for Vice President Pro Tempore of the Senate.

## REMARKS BY SENATOR BENDER

Senator Bender: "Mr. President, I would like to submit the name of Senator Al Bauer for Vice President Pro Tempore of the Senate. It is a great honor for me to place in nomination the name of Senator Albert Bauer. We go back a few years when he served as the Chairman for the House Education Committee and, of course at the age of twenty-three, he became my mentor in the area of education and I appreciate the work that he has done for the kids in our state. He has also served in the House as Caucus Chair for two terms, so he has played a role of leadership in both sides of the aisle. He is a man of conviction and courage. I wish he would teach me how to win an election by seventy percent instead of the ones I have had the last few times. It is a distinct honor that I place his name in nomination and I think he will do a tremendous job and give honor to this body. Thank you."

## MOTION

On motion of Senator Vognild, the nominations for Vice President Pro Tempore were closed.

## ROLL CALL

The Acting Secretary called the roll and Senator Albert Bauer was elected Vice President Pro Tempore of the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator McCaslin - 1.

## APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators DeJarnatt and Zimmerman as a committee of honor to escort Senator Bauer to the rostrum.

Justice Jim Anderson of the Washington State Supreme Court administered the oath of office to Senator Bauer.

## REMARKS BY SENATOR BAUER

Senator Bauer: "Thank you very much. It is an honor to be nominated and elected for this position. I assure you that I will follow with strict adherence to the wisdom of our President and President Pro Tempore. If he thinks we can get it done in one hundred and five days, I think we will get it done in one hundred and five days or less."

## REMARKS BY THE PRESIDENT

President Cherberg: "The President certainly thanks the members of the Senate for once again showing such excellent judgment in choosing Senator Albert Bauer as Vice President Pro Tempore."

The committee of honor escorted Senator Bauer to his seat in the Senate Chambers and the committee was discharged.

## ELECTION OF SECRETARY OF THE SENATE

The President declared nominations to be open for Secretary of the Senate.

## REMARKS BY SENATOR DeJARNATT

Senator DeJarnatt: "Thank you, Mr. President. I'd like to place in nomination the name of Sid Snyder for Secretary of the Senate. Sid Snyder has become a legend around the Olympia scene--part of the legislative process for the better part of forty years. He has served with distinction in the House of Representatives as assistant Chief Clerk and has been a part of the Senate for around twenty years. Sid Snyder has operated his office, I think, with great efficiency recognized by the members of this body, by the members of the press and the constituency of the Senate. He has been successful in private business and he has brought that expertise here to the marble palace. He has served us well in the past and I know he will continue. It is a great honor for me to recognize one of my larger constituents and to nominate him to continue in his distinguished career. Thank you."

## REMARKS BY SENATOR NEWHOUSE

Senator Newhouse: "Mr. President, I rise also to second the nomination of Sid Snyder for our Secretary. Having known him for over twenty-two years, when he formerly served in the House, when many of us started there, he is one of the most capable men we have ever known. We really need his expertise and I am happy to second his nomination."

## REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President and members of the Senate, I just couldn't let this moment go by to say, 'I second all that has been said about Secretary of the Senate Snyder.' I want to thank his wife, Bette, for letting him take the job again. He has sometimes thought that he would like to sit out here in the Senate with us. However, he is doing a far more important job for the people of the state, serving there in back of the rostrum helping Governor Cherberg and whoever happens to

be in the chair. He is a strong right hand and I think it is just nice that he is willing to come along and serve for another term. Both Sid and I learned the business at the hands of Sy Holcomb, former Chief Clerk of the House, who did a tremendous job and I think that you can't get a finer person to work with than Sid Snyder. I also think, Mr. President, he has organized a very efficient staff that serves very, very well to all of us. Thank you."

#### MOTION

On motion of Senator Vogniid, the nominations for Secretary of the Senate were closed.

#### ROLL CALL

The Acting Secretary called the roll and Sid Snyder was elected Secretary of the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator McCaslin - 1.

#### APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Bender and Johnson as a committee of honor to escort Sid Snyder to the rostrum.

Justice Jim Anderson of the Washington State Supreme Court administered the oath of office to Sid Snyder.

#### REMARKS BY SID SNYDER

Sid Snyder: "Governor Cherberg, Justice Anderson, Senators DeJarnatt, Newhouse and Rasmussen, I want to thank you all for your kind words. I hope you are saying as kind of things one hundred and five days from now. I think Senators Rasmussen and Bauer have kind of struck the note of getting out of here in one hundred and five days. I want to assure you that myself and all the members of our staff will do everything we can to help you along the way and see that you are back in your respective districts on the one hundred sixth day or at least by the first of May. That will give you a couple of days to clean up. Thank you very kindly."

#### REMARKS BY THE PRESIDENT

President Cherberg: "The President, once again, profusely thanks you for selecting Sid Snyder as Secretary of the Senate. The President truly relies on Sid for his wonderful knowledge and ability to handle this job. I don't think anyone could have selected a better man than Sid Snyder."

The committee of honor escorted Sid Snyder to his place on the rostrum and the committee was discharged.

#### ELECTION OF SERGEANT AT ARMS

The President declared nominations to be open for the office of Sergeant at Arms of the Senate.

#### REMARKS BY SENATOR OWEN

Senator Owen: "Mr. President, I would like to place in nomination the name of Orlando Scarpelli for the office of Sergeant at Arms for the Washington State Senate. It is a great honor for me to nominate Orlando Scarpelli for the position of Sergeant at Arms of the Washington State Senate. I like to compare Mr. Scarpelli to such men that I particularly admire such as five foot, four James Madison, the little giant Steven A. Douglas and Harry Truman who was not only short, but also a haberdasher. All these men were small in size, yet tall in stature and big in accomplishment, action and energy, as I am sure Ole will be as he continues to be Sergeant at Arms for the Senate. I urge your unanimous support."

## REMARKS BY SENATOR STRATTON

Senator Stratton: "Thank you, Mr. President, and ladies and gentlemen of the Senate. It is an honor for me to second the nomination of Ole Scarpelli. I didn't know that was his first name, that is what the 'O' stands for. One only has to be a newcomer in this illustrious body to appreciate the many things that Ole, as our Sergeant at Arms, does for all of us. I am sure that we have all benefited from his kindnesses, his assistance and his literally helping us as we break into the daily activities of the Senate. I think we all agree that Ole has served us well and I am sure he will continue to serve us well. I urge your support of Ole. Thank you."

## REMARKS BY SENATOR DECCIO

Senator Deccio: "Thank you Mr. President. I want to tell all of you Ole 'isa nica guy and he puts ona nica Chinese dinner.' I urge all of you to vote for him. Thank you."

## MOTION

On motion of Senator Bender, the nominations for Sergeant at Arms were closed.

## ROLL CALL

The Secretary called the roll and Ole Scarpelli was elected Sergeant at Arms of the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator McCaslin - 1.

## APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Wojahn and Fleming as a committee of honor to escort Ole Scarpelli to the rostrum.

Justice Jim Anderson of the Washington State Supreme Court administered the oath of office to Ole Scarpelli.

## REMARKS BY OLE SCARPELLI

Ole Scarpelli: "Senators, thank you very much for nominating me once again to serve you. It has been a pleasure working for you the past few sessions. Thank you very much."

## REMARKS BY THE PRESIDENT

President Cherberg: "The President is more than delighted to have you select Ole Scarpelli as Sergeant at Arms. Ole always does a grand job and we look forward to another very successful session."

The committee of honor escorted Ole Scarpelli to his place on the rostrum and the committee was discharged.

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

## MOTION

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

## SENATE RESOLUTION 1987-8600

by Senators Bottiger, Fleming, Hayner and Sellar

BE IT RESOLVED, That a committee of four be appointed to notify the House that the Senate is now organized and ready to transact business.

## APPOINTMENT OF SPECIAL COMMITTEE

Under provisions of Senate Resolution 1987-8600, the President appointed Senators Smitherman, Tanner, West and Nelson to notify the House of Representatives that the Senate is organized and ready to transact business.

## MOTION

On motion of Senator Vognild, the appointees were confirmed.  
The committee retired to the House of Representatives.

## MOTION

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

## SENATE RESOLUTION 1987-8601

Fleming, Hayner and Sellar

BE IT RESOLVED, That the courtesies of the Senate are hereby extended to all former presidents, former members and former secretaries of the Senate.

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

## INTRODUCTION AND FIRST READING

SCR 8400 by Senators Bottiger, Fleming, Hayner and Sellar

BE IT RESOLVED, By the Senate, The House of Representatives concurring, That a committee consisting of three members of the Senate, to be named by the President of the Senate, and three members of the House of Representatives, to be named by the Speaker of the House of Representatives, be appointed to notify the Governor that the Legislature is organized and ready to conduct business.

## MOTIONS

On motion of Senator Vognild, the rules were suspended, Senate Concurrent Resolution No. 8400 was advanced to second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Senate Concurrent Resolution No. 8400 was advanced to third reading, the second reading considered the third and the resolution was adopted.

## MOTION

On motion of Senator Vognild, Senate Concurrent Resolution No. 8400 was ordered immediately transmitted to the House of Representatives.

## APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Talmadge and Patterson as a committee of honor to escort the Honorable Jim Anderson from the Senate Chambers to his office in the Temple of Justice.

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

## MOTION

Senator Vognild moved that the following resolution be adopted:

## SENATE RESOLUTION 1987-8602

by Senators Rasmussen, Vognild and Talmadge

BE IT RESOLVED, That the Rules of the Senate for the 1986 Regular Session of the 49th Legislature be adopted, as amended, as the Rules for the 50th Legislature, to read as follows:

## PERMANENT RULES

## OF THE

## SENATE

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

((~~1985~~)) 1987

## SECTION I - OFFICERS-MEMBERS-EMPLOYEES

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- RULE 2 President Pro Tem
- RULE 3 Secretary of the Senate
- RULE 4 Sergeant at Arms
- RULE 5 Subordinate Officers

- RULE 6 Employees
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## SECTION I

## OFFICERS—MEMBERS—EMPLOYEES

## DUTIES OF THE PRESIDENT

RULE 1. 1. The president shall take the chair and call the senate to order precisely at the hour appointed for meeting, and, if a quorum be present, shall cause the journal of the preceding day to be read. (See also Art. 3, Sec. 16, State Constitution.)

2. The president shall preserve order and decorum, and in case of any disturbance or disorderly conduct within the chamber, shall order the sergeant at arms to suppress the same, and may order the arrest of any person creating any disturbance within the senate chamber.

3. The president shall have charge of and see that all officers, employees, and clerks perform their respective duties, and shall have general control of the senate chamber and lobby. (See also Art. 2, Sec. 10, State Constitution.)

4. The president may speak to points of order in preference to members, arising from the president's seat for that purpose, and shall decide all questions of order subject to an appeal to the senate by any member, on which appeal no member shall speak more than once without leave of the senate.

5. The president shall, in open session, sign all acts, addresses and joint resolutions. The president shall sign all writs, warrants and subpoenas issued by order of the senate, all of which shall be attested by the secretary. (See also Art. 2, Sec. 32, State Constitution.)

6. The president shall appoint all conference, special, joint and hereinafter named standing committees on the part of the senate. The appointment of the conference, special, joint and standing committees shall be confirmed by the senate. In the event the senate refuses to confirm any conference, special, joint or standing committee or committees, such committee or committees shall be elected by the senate.

7. The president shall, on each day, announce to the senate the business in order, and no business shall be taken up or considered until the order to which it belongs shall be declared.

8. The president shall decide and announce the result of any vote taken.

9. When a vote of the senate is equally divided, the lieutenant governor, when presiding, shall have the deciding vote on questions other than the final passage of a bill. (See also Art. 2, Sec. 10 and 22, State Constitution.)

## PRESIDENT PRO TEM

RULE 2. 1. Upon the organization of the senate the members shall elect one of their number as president pro tem who shall have all the powers and authority and who shall discharge all the duties of lieutenant governor acting as president during the lieutenant governor's absence. The senate shall also elect a vice-president pro tem who will serve in the absence of the lieutenant governor and the president pro tem. (See Art. 2, Sec. 10, State Constitution.)

2. In the absence of the president pro tem, and vice president pro tem, or with their consent, the president shall have the right to name any senator to perform the duties of the chair, but such substitution shall not extend beyond an adjournment, nor authorize the senator so substituted to sign any documents requiring the signature of the president.

## SECRETARY OF THE SENATE

RULE 3. 1. The senate shall elect a secretary, who shall appoint an assistant secretary, both of whom shall be officers of the senate and shall perform the usual duties pertaining to their offices, and they shall hold office until their successors have been elected or appointed.

2. The secretary is the Personnel Officer of the senate and shall appoint, subject to the approval of the senate, all other senate employees and the hours of duty and assignments of all senate employees shall be under the secretary's directions and instructions and they may be dismissed at the secretary's discretion.

3. The secretary of the senate, prior to the convening of the next regular session, shall prepare his office to receive bills which the holdover members and members-elect may desire to prefile commencing with the first Monday in December preceding any regular session or twenty days prior to any special session of the legislature.

#### SERGEANT AT ARMS

RULE 4. 1. The senate shall elect a sergeant at arms who shall perform the usual duties pertaining to that office, and shall hold office until a successor has been elected.

2. The sergeant at arms shall not admit to the floor of the senate during the time the senate is not convened any person other than specifically requested by a senator, the president, or the secretary of the senate, in writing or when personally accompanied by a senator.

#### SUBORDINATE OFFICERS

RULE 5. The subordinate officers of the senate shall perform such duties as usually pertain to their respective positions in legislative bodies under the direction of the president, and such other duties as the senate may impose upon them. Under no circumstances shall the compensation of any employee be increased for past services. (See also Art. 2, Sec. 25, State Constitution.)

#### EMPLOYEES

RULE 6. 1. No senate employee shall lobby in favor of or against any matter under consideration.

2. A legislative employee shall not accept any gratuity or compensation for services rendered in connection with legislative employment other than legislative salary. A legislative employee shall not accept any employment, in addition to legislative employment, which would impair independence of judgment. Except within the scope of employment, a legislative employee shall not provide any service to a lobbyist or any other person.

3. A legislative employee shall not use or attempt to (a) obtain any privilege, exemption, special treatment or any other thing of value, or (b) obtain any such benefit for others except as required to perform duties within the scope of senate employment.

4. A legislative employee shall not accept or solicit anything of value under circumstances in which it can be reasonably inferred that the legislative employee's independence of judgment is impaired or is intended as a reward for any official action.

5. A legislative employee shall not disclose confidential information acquired by reason of senate employment to any person or group not entitled to receive such information, nor shall such information be used for personal gain or to benefit others.

6. A legislative employee shall not enter into any contract with a state agency involving services or property, unless the contract is made after public notice and competitive bidding; except in cases where public notice and competitive bidding are not required, the contract or agreement shall be filed with the appropriate board of ethics.

7. A legislative employee shall not solicit or accept contributions for any candidate or political committee during working hours. At no time shall a legislative employee directly or indirectly coerce another employee into making a contribution to a candidate or a political committee. No legislative employee, as a condition of becoming or remaining employed, shall directly or indirectly be required to make any contribution to a political candidate, committee or party.

#### CONDUCT OF MEMBERS AND OFFICERS

RULE 7. 1. Indecorous conduct, boisterous or unbecoming language will not be permitted in the senate at any time.

2. In cases of breach of decorum or propriety, any senator, officer or other person shall be liable to such censure or punishment as the senate may deem proper, and if any senator be called to order for offensive or indecorous language

or conduct, the person calling the senator to order shall report the language excepted to which shall be taken down or noted at the secretary's desk. No member shall be held to answer for any language used upon the floor of the senate if business has intervened before exception to the language was thus taken and noted.

3. If any senator in speaking, or otherwise, transgresses the rules of the senate, the president shall, or any senator may, call that senator to order, and a senator so called to order shall resume the senator's seat and not proceed without leave of the senate, which leave, if granted, shall be upon motion "that the senator be allowed to proceed in order," when, if carried, the senator shall speak to the question under consideration.

4. No senator shall be absent from the senate without leave, except in case of accident or sickness, and if any senator or officer shall be absent the senator's per diem shall not be allowed or paid, and no senator, officer, or employee shall obtain leave of absence or be excused from attendance without the consent of a majority of the members present.

5. In the event of a motion or resolution to censure or punish, or any procedural motion thereto involving a senator, that senator shall not vote thereon. The senator shall be allowed to answer to such motion or resolution. An election or vote by the senate on a motion to censure or punish a senator shall require the vote of a majority of all senators elected or appointed to the senate. A vote to expel a member shall require a two-thirds concurrence of all members elected or appointed to the senate. All votes shall be taken by yeas and nays and the votes shall be entered upon the journal. (See also Art. 2, Sec. 9, State Constitution.)

## SECTION II

### OPERATIONS AND MANAGEMENT

#### PAYMENT OF EXPENSES - FACILITIES AND OPERATIONS

RULE 8. 1. After the reorganization caucuses of the Senate, the majority caucus shall designate four members and the minority caucus shall designate three members to serve on the Facilities and Operations Committee. The chair of the majority caucus shall be the chair of the Facilities and Operations Committee. The operation of the Senate shall transfer to the newly designated members after the reorganization caucuses of the Senate.

2. All necessary expenses of the senate incurred during the session shall be signed for by the secretary and approved by a majority of the committee on facilities and operations.

The committee on facilities and operations shall carefully consider all items of expenditure ordered or contracted on the part of the senate, and report upon the same prior to the voucher being signed by the president and the secretary of the senate authorizing the payment thereof.

The committee on facilities and operations shall issue postage only as follows:

(a) To elected or appointed members of the senate in an amount sufficient to allow performance of their legislative duties.

(b) To the secretary of the senate in an amount sufficient to carry out the business of the senate.

#### USE OF SENATE CHAMBERS

RULE 9. The senate chamber and its facilities shall not be used for any but legislative business, except by permission of the senate while in session, or by the facilities and operations committee when not in session.

#### ADMISSION TO THE SENATE

RULE 10. The sergeant at arms shall admit only the following individuals to the floor and adjacent areas of the senate for the period of time beginning one-half hour before convening and ending when the senate has adjourned or recessed for an hour or more:

The governor and/or designees,

Members of the house of representatives,

State elected officials and/or designees,

Officers and authorized employees of the legislature,

Honored guests being presented to the senate,

Former members of the senate who are not registered lobbyists pursuant to chapter 42.17 RCW,

Representatives of the press.

Persons specifically requested by a senator to the president in writing or only as long as accompanied by a senator.

#### PRINTING OF BILLS

RULE 11. The number of bills printed and reprinted shall be at the discretion of the secretary of the senate, with the approval of the facilities and operations committee.

#### FURNISHING FULL FILE OF BILLS

RULE 12. Persons, firms, corporations and organizations within the state, desirous of receiving copies of all printed senate bills, shall make application therefor to the secretary of the senate, who shall refer all such requests to the committee on rules.

The bill clerk shall send copies of all printed senate bills to such persons, firms, corporations and organizations as may be ordered by the committee on rules. The secretary of the senate is authorized to recoup mailing costs as directed by the rules committee.

#### REGULATION OF LOBBYISTS

RULE 13. All persons who engage in lobbying of any kind as defined in chapter 42.17 RCW shall be subject to the rules of the senate and legislature when lobbying before the senate. Any person who fails to conform to the senate or joint rules may have their privilege to lobby and all other privileges revoked upon a majority vote of the committee on rules for such time as is deemed appropriate by the committee.

Any person registered as a lobbyist pursuant to chapter 42.17 RCW who intervenes in or attempts to influence any personnel decision of the senate regarding any employee may suffer an immediate revocation of all privileges before the senate or such other privileges and for such time as may be deemed appropriate by the senate committee on rules. This restriction shall not prohibit a registered lobbyist from making written recommendations for staff positions.

#### SECURITY MANAGEMENT

RULE 14. The sergeant at arms may develop methods to protect the Senate, including its members, staff, and the visiting public, by establishing procedures to curtail the use or possession of any weapon in a manner that is prohibited by law or by the rules of the Department of General Administration.

#### SECTION III

#### RULES AND ORDER TIME OF CONVENING

RULE 15. The senate shall convene at 10:00 a.m. each working day, unless adjourned to a different hour. The senate shall adjourn not later than 10:00 p.m. of each working day.

The senate shall recess ninety minutes for lunch each working day. When reconvening on the same day the senate shall recess ninety minutes for dinner each working evening. This rule may be suspended by a majority.

#### QUORUM

RULE 16. A majority of all members elected to the senate shall be necessary to constitute a quorum to do business. Less than a quorum may adjourn from day to day until a quorum can be had. (See Art. 2, Sec. 8, State Constitution.)

#### ORDER OF BUSINESS

RULE 17. After the roll is called and journal read and approved, business shall be disposed of in the following order:

FIRST. Reports of standing committees.

SECOND. Reports of select committees.

THIRD. Messages from the governor and other state officers.

FOURTH. Messages from the house of representatives.

FIFTH. Introduction, first reading and reference of bills, joint memorials and joint resolutions.

SIXTH. Second reading of bills.

SEVENTH. Third reading of bills.

EIGHTH. Presentation of petitions, memorials and resolutions.

NINTH. Presentation of motions.

The order of business established by this rule may be changed and any order of business already dealt with may be reverted or advanced to by a majority vote of those present.

All questions relating to the priority of business shall be decided without debate.

Messages from the governor, other state officers, and from the house of representatives may be considered at any time with the consent of the senate.

#### SPECIAL ORDER

RULE 18. The president shall call the senate to order at the hour fixed for the consideration of a special order, and announce that the special order is before the senate, which shall then be considered unless it is postponed by a majority vote of the members present, and any business before the senate at the time of the announcement of the special order shall take its regular position in the order of business.

#### UNFINISHED BUSINESS

RULE 19. The unfinished business at the preceding adjournment shall have preference over all other matters, excepting special orders, and no motion or any other business shall be received without special leave of the senate until the former is disposed of.

#### MOTIONS AND SENATE FLOOR RESOLUTIONS

##### (HOW PRESENTED)

RULE 20. 1. No motion shall be entertained or debated until announced by the president and every motion shall be deemed to have been seconded. It shall be reduced to writing and read by the secretary, if desired by the president or any senator, before it shall be debated, and by the consent of the senate may be withdrawn before amendment or action.

2. Senate floor resolutions shall be acted upon in the same manner as motions. All senate floor resolutions shall be on the secretary's desk at least twenty-four hours prior to consideration. After the tenth day preceding adjournment sine die of any regular session, senate floor resolutions automatically shall be referred to the committee on rules.

#### PRECEDENCE OF MOTIONS

RULE 21. When a motion has been made and stated by the chair the following motions are in order, in the rank named:

##### PRIVILEGED MOTIONS

- Adjourn or recess
- Reconsider
- Demand for call of the senate
- Demand for roll call
- Demand for division
- Question of privilege
- Orders of the day

##### INCIDENTAL MOTIONS

- Points of order and appeal
- Method of consideration
- Suspend the rules
- Reading papers
- Withdraw a motion
- Division of a question

##### SUBSIDIARY MOTIONS

- 1st Rank: To lay on the table
- 2nd Rank: For the previous question
- 3rd Rank: To postpone to a day certain
  - To commit or recommit
  - To postpone indefinitely
- 4th Rank: To amend

No motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall again be allowed on the same day and at the same stage of the proceedings, and when a question has been postponed indefinitely it shall not again be introduced during the session.

A motion to lay an amendment on the table shall not carry the main question with it unless so specified in the motion to table.

At no time shall the senate entertain a Question of Consideration.

#### VOTING

**RULE 22.** 1. In all cases of election by the senate, the votes shall be taken by yeas and nays, and no senator or other person shall remain by the secretary's desk while the roll is being called or the votes are being counted. No senator shall be allowed to vote except when within the bar of the senate, or upon any question upon which he or she is in any way personally or directly interested, nor be allowed to explain a vote or discuss the question while the yeas and nays are being called, nor change a vote after the result has been announced. (See also Art. 2, Secs. 27 and 30, State Constitution.)

2. A member not voting by reason of personal or direct interest, or by reason of an excused absence, may explain the reason for not voting by a brief statement not to exceed fifty words in the journal.

3. The yeas and nays shall be taken when called for by one-sixth of all the senators present, and every senator within the bar of the senate shall vote unless excused by the unanimous vote of the members present, and the votes shall be entered upon the journal. (See also Art. 2, Sec. 21, State Constitution.)

When once begun the roll call may not be interrupted for any purpose other than to move a call of the senate. (See also Rule 24.)

4. A senator having been absent during roll call may ask to have his or her name called. Such a request must be made before the result of the roll call has been announced by the president.

5. The passage of a bill or action on a question is lost by a tie vote, but when a vote of the senate is equally divided, the lieutenant governor, when presiding, shall have the deciding vote on questions other than the final passage of a bill. (See also Art. 2, Secs. 10 and 22, State Constitution.)

6. The order of the names on the roll call shall be alphabetical by last name.

7. All votes in a committee shall be recorded, and the record shall be preserved as prescribed by the secretary of the senate. One-sixth of the committee may demand an oral roll call.

#### ANNOUNCEMENT OF VOTE

**RULE 23.** The announcement of all votes shall be made by the president.

#### CALL OF THE SENATE

**RULE 24.** Although a roll call is in progress, a call of the senate may be moved by three senators, and if carried by a majority of all present the secretary shall call the roll, after which the names of the absentees shall again be called. The doors shall then be locked and the sergeant at arms directed to take into custody all who may be absent without leave, and all the senators so taken into custody shall be presented at the bar of the senate for such action as the senate may deem proper.

#### ONE SUBJECT IN A BILL

**RULE 25.** No bill shall embrace more than one subject and that shall be expressed in the title. (See also Art. 2, Sec. 19, State Constitution.)

#### NO AMENDMENT BY MERE REFERENCE TO TITLE OF ACT

**RULE 26.** No act shall ever be revised or amended by mere reference to its title, but the act revised or the section amended shall be set forth at full length. (See also Art. 2, Sec. 37, State Constitution.)

#### READING OF PAPERS

**RULE 27.** When the reading of any paper is called for, and is objected to by any senator, it shall be determined by a vote of the senate, without debate.

Any and all copies of reproductions of newspaper or magazine editorials, articles or cartoons or publications or material of any nature distributed to senators' desks must bear the name of at least one senator granting permission for the distribution. This shall not apply to materials normally distributed by the secretary of the senate or the majority or minority caucuses.

#### COMPARING ENROLLED AND ENGROSSED BILLS

**RULE 28.** Any senator shall have the right to compare an enrolled bill with the engrossed bill and may note any objections in the Journal.

SECTION IV  
PARLIAMENTARY PROCEDURE  
RULES OF DEBATE

RULE 29. When any senator is about to speak in debate, or submit any matter to the senate, the senator shall rise, and standing in place, respectfully address the President, and when recognized shall, in a courteous manner, speak to the question under debate, avoiding personalities. No senator shall impeach the motives of any other member or speak more than twice (except for explanation) during the consideration of any one question, on the same day or a second time without leave, when others who have not spoken desire the floor, but incidental and subsidiary questions arising during the debate shall not be considered the same question. A majority of the members present may further limit the number of times a member may speak on any question and may limit the length of time a member may speak but, unless a demand for the previous question has been sustained, a member shall not be denied the right to speak at least once on each question, nor shall a member be limited to less than three minutes on each question. In any event, the senator who presents the motion may open and close debate on the question.

RECOGNITION BY THE PRESIDENT

RULE 30. When two or more senators rise at the same time to address the chair, the president shall name the one who shall speak first, giving preference, when practicable, to the mover or introducer of the subject under consideration.

CALL FOR DIVISION OF A QUESTION

RULE 31. Any senator may call for a division of a question, which shall be divided if it embraces subjects so distinct that one being taken away a substantive proposition shall remain for the decision of the senate; but a motion to strike out and insert shall not be divided.

POINT OF ORDER - DECISION APPEALABLE

RULE 32. Every decision of points of order by the president shall be subject to appeal by any senator, and discussion of a question of order shall be allowed. In all cases of appeal the question shall be: "Shall the decision of the chair stand as the judgment of the senate?"

QUESTION OF PRIVILEGE

RULE 33. Any senator may rise to a question of privilege and explain a personal matter by leave of the president, but shall not discuss any pending question in such explanations, nor shall any question of personal privilege permit any senator to introduce any person or persons in the galleries. The president upon notice received may acknowledge the presence of any distinguished person or persons.

A question of privilege shall involve only subject matter which affects the particular senator personally and in a manner unique and peculiar to that senator.

PROTESTS

RULE 34. Any senator or senators may protest against the action of the senate upon any question. Such protest may be entered upon the journal if it does not exceed 200 words. The senator protesting shall file the protest with the secretary of the senate within 48 hours following the action protested.

ADOPTION AND SUSPENSION OF RULES

RULE 35. 1. The permanent senate rules adopted at the first regular session during a legislative biennium shall govern any session subsequently convened during the same legislative biennium. Adoption of permanent rules may be by majority of the senate without notice and a majority of the senate may change a permanent rule without notice at the beginning of any session, as determined pursuant to Article 2, Section 12 of the State Constitution. No permanent rule or order of the senate shall be rescinded or changed without a majority vote of the members, and one day's notice of the motion.

2. A permanent rule or order may be temporarily suspended for a special purpose by a vote of two-thirds of the members present unless otherwise specified herein. When the suspension of a rule is called, and after due notice from the president no objection is offered, the president may announce the rule suspended, and the senate may proceed accordingly. Motion for suspension of the rules shall not be debatable, except, the mover of the motion may briefly explain the purpose of the motion and at the discretion of the president a rebuttal may be allowed.

## PREVIOUS QUESTION

RULE 36. The previous question shall not be put unless demanded by three senators, and it shall then be in this form: "Shall the main question be now put?" When sustained by a majority of senators present it shall preclude all debate, except the senator who presents the motion may open and close debate on the question and the vote shall be immediately taken on the question or questions pending before the senate, and all incidental question or questions of order arising after the motion is made shall be decided whether on appeal or otherwise without debate.

## RECONSIDERATION

RULE 37. 1. After the final vote on any measure, before the adjournment of that day's session, any member who voted with the prevailing side may give notice of reconsideration unless a motion to immediately transmit the measure to the house has been decided in the affirmative and the measure is no longer in possession of the senate. Such motion to reconsider shall be in order only under the order of motions of the day immediately following the day upon which such notice of reconsideration is given, and may be made by any member who voted with the prevailing side.

2. A motion to reconsider shall have precedence over every other motion, except a motion to adjourn; and when the senate adjourns while a motion to reconsider is pending or before passing the order of motions, the right to move a reconsideration shall continue to the next day of sitting. On and after the tenth day prior to adjournment sine die of any session, as determined pursuant to Article 2, Section 12, or concurrent resolution, or in the event that the measure is subject to a senate rule or resolution or a joint rule or concurrent resolution, which would preclude consideration on the next day of sitting a motion to reconsider shall only be in order on the same day upon which notice of reconsideration is given and may be made at any time that day. Motions to reconsider a vote upon amendments to any pending question may be made and decided at once.

## MOTION TO ADJOURN

RULE 38. Except when under call of the senate, a motion to adjourn shall always be in order. The name of the senator moving to adjourn and the time when the motion was made shall be entered upon the journal.

## YEAS AND NAYS -- WHEN MUST BE TAKEN

RULE 39. The yeas and nays shall be taken when called for by one-sixth of all the senators present, and every senator within the bar of the senate shall vote unless excused by the unanimous vote of the members present, and the votes shall be entered upon the journal. (See also Art. 2, Sec. 21, State Constitution.)

When once begun the roll call may not be interrupted for any purpose other than to move a call of the senate. (See also Senate Rules 22 and 24.)

## REED'S PARLIAMENTARY RULES

RULE 40. The rules of parliamentary practice as contained in Reed's Parliamentary Rules shall govern the senate in all cases to which they are applicable, and in which they are not inconsistent with the rules and orders of this senate and the joint rules of this senate and the house of representatives.

SECTION V  
COMMITTEES

## COMMITTEES—APPOINTMENT AND CONFIRMATION

RULE 41. The president shall appoint all conference, special, joint and standing committees on the part of the senate. The appointment of the conference, special, joint and standing committees shall be confirmed by the senate.

In the event the senate shall refuse to confirm any conference, special, joint or standing committee or committees, such committee or committees shall be elected by the senate.

The following standing committees shall constitute the standing committees of the senate:

1. Agriculture .....	((9)) 6
2. Commerce and Labor .....	((+0)) 11
3. Education .....	((+9)) 11
4. Energy and Utilities .....	((9)) 7
5. Financial Institutions .....	((+0)) 8

6. Governmental Operations	((+)) 7
7. Human Services and Corrections	((+)) 9
8. Judiciary	((+)) 7
9. Natural Resources	((+)) 11
10. Parks and Ecology	((7)) 5
11. Rules	((20)) 14
12. Transportation	((+7)) 17
13. Ways and Means	((2+)) 23

#### SUBCOMMITTEES

RULE 42. Committee chairmen may create subcommittees of the standing committee and designate subcommittee chairmen thereof to study subjects within the jurisdiction of the standing committee. The committee chairmen shall approve the use of committee staff and equipment assigned to the subcommittee. Subcommittee activities shall further be subject to facilities and operations committee approval to the same extent as are the actions of the standing committee from which they derive their authority.

#### SUBPOENA POWER

RULE 43. Any of the above referenced committees, including subcommittees thereof, or any special committees created by the senate, may have the powers of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with the provisions of chapter 44.16 RCW. The committee chairman shall file with the committee on rules, prior to issuance of any process, a statement of purpose setting forth the name or names of those subject to process. The rules committee shall consider every proposed issuance of process at a meeting of the rules committee immediately following the filing of the statement with the committee. The process shall not be issued prior to consideration by the rules committee. The process shall be limited to the named individuals and the committee on rules may overrule the service on an individual so named.

#### DUTIES OF COMMITTEES

RULE 44. The several committees shall fully consider measures referred to them.

The committees shall acquaint themselves with the interest of the state specially represented by the committee, and from time to time present such bills and reports as in their judgment will advance the interests and promote the welfare of the people of the state.

#### COMMITTEE RULES

RULE 45. 1. At least five days notice shall be given of all public hearings held by any committee other than the rules committee. Such notice shall contain the date, time and place of such hearing together with the title and number of each bill, or identification of the subject matter, to be considered at such hearing. By a majority vote of the committee members present at any committee meeting such notice may be dispensed with. The reason for such action shall be set forth in a written statement preserved in the records of the meeting.

2. During its consideration of or vote on any bill, resolution or memorial, the deliberations of any committee or subcommittee of the senate shall be open to the public. In case of any disturbance or disorderly conduct at any such deliberations, the chairman shall order the sergeant at arms to suppress the same and may order the meeting closed to any person or persons creating such disturbance.

3. A majority of any committee shall constitute a quorum. Committees shall be considered to have a quorum present unless the question is raised. No committee shall transact official business absent a quorum except to conduct a hearing.

4. Bills reported to the senate from a standing committee must have a majority report, which shall be prepared upon a printed standing committee report form; shall carry one of the following recommendations, shall be adopted at a regularly or specially called meeting and shall be signed by a majority of the committee:

- Do pass.
- Do pass as amended.
- That a substitute bill be substituted therefor, and the substitute bill do pass.
- That the bill be referred to another committee.
- Without recommendation.

- f. That the bill be indefinitely postponed.
- g. Do not pass.

5. A majority report of a committee must carry the signatures of a majority of the members of the committee. In the event a committee has a quorum pursuant to subsection 3 of this rule, a majority of the members present may act on a measure, subject to obtaining the signatures of a majority of the members of the committee on the majority report.

6. Any measure which does not receive a majority vote of the members present may be reconsidered at that meeting and may again be considered upon motion of any committee member if one day's notice of said motion is provided to all committee members.

7. Members of the committee not concurring in the majority report may prepare a written minority report containing a different recommendation which shall be signed by those members of the committee subscribing thereto.

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

A motion for the substitution of the substitute bill for the original bill shall not be in order until the committee on rules places the original bill on the second reading calendar.

9. No vote in any committee shall be taken by secret ballot nor shall any committee have a policy of secrecy as to any vote on action taken in such committee.

10. All reports of standing committees must be on the secretary's desk one hour prior to convening of the session in order to be read at said session.

#### COMMITTEE MEETINGS DURING SESSIONS

RULE 46. No committee shall sit during the daily session of the senate unless by special leave.

No committee shall sit during any scheduled caucus.

#### READING OF REPORTS

RULE 47. The majority report, and minority report, if there be one, together with the names of the signers thereof, shall be read by the secretary, unless the reading be dispensed with by the senate, and all committee reports shall be spread upon the journal.

#### RECALLING BILLS FROM COMMITTEES

RULE 48. Any standing committee of the senate may be relieved of further consideration of any bill, regardless of prior action of the committee, by a majority vote of the senators elected. The senate may then make such orderly disposition of the bill as they may direct by a majority vote of the members of the senate.

#### BILLS REFERRED TO RULES COMMITTEE

RULE 49. All bills reported by a committee to the senate shall then be referred to the committee on rules for second reading without action on the report unless otherwise ordered by the senate. (See also Rules 62 and 63.)

#### RULES COMMITTEE

RULE 50. The lieutenant governor shall be a voting member and the chair of the committee on rules. The committee on rules shall have charge of the daily second and third reading calendar of the senate and shall direct the secretary of the senate the order in which the bills shall be considered by the senate and the committee on rules shall have the authority to directly refer any bill before them to any other standing committee. Such referral shall be reported out to the senate on the next day's business.

The senate may change the order of consideration of bills on the second or third reading calendar.

The calendar, except in emergent situations, as determined by the committee on rules, shall be on the desks and in the offices of the senators each day and shall cover the bills for consideration on the next following day.

#### COMMITTEE OF THE WHOLE

RULE 51. At no time shall the senate sit as a committee of the whole.

The senate may at any time, by the vote of the majority of the members present, sit as a body for the purpose of taking testimony on any measure before the senate.

## APPROPRIATION BUDGET BILLS

RULE 52. No amendment to the budget or supplemental budget, not incorporated in the bill as reported by the ways and means committee, shall be adopted except by the affirmative vote of sixty percent of the senators elected.

## SECTION VI

## BILLS, RESOLUTIONS, MEMORIALS AND GUBERNATORIAL APPOINTMENTS

## DEFINITIONS

RULE 53. "Measure" means a bill, joint memorial, joint resolution, or concurrent resolution.

"Bill" when used alone means bill, joint memorial, joint resolution, or concurrent resolution.

"Majority" shall mean a majority of those members present unless otherwise stated.

## PREFLING

RULE 54. Holdover members and members-elect to the senate may prefile bills with the secretary of the senate on any day commencing with the first Monday in December preceding any session year; or twenty days prior to any special session of the legislature. Such bills will be printed, distributed and prepared for introduction on the first legislative day. No bill, joint memorial or joint resolution shall be prefiled by title and/or preamble only. (See also Rule 3, Sub. 3.)

## INTRODUCTION OF BILLS

RULE 55. All bills, joint resolutions and joint memorials introduced shall be endorsed with a statement of the title and the name of the member introducing the same. Any member desiring to introduce a bill, joint resolution or joint memorial shall file the same with the secretary of the senate by noon of the day before the convening of the session at which said bill, joint resolution or joint memorial is to be introduced.

After the expiration of deadlines for bill introductions provided for by resolution, no bill shall be introduced, except as the legislature shall direct by a vote of two-thirds of all the members elected to each house, said vote to be taken by yeas and nays and entered upon the journal, or unless the same be at a special session. The time limitation for introduction of bills shall not apply to substitute bills reported by standing committees for bills pending before such committees and general appropriation and revenue bills. (See also Art. 2, Sec. 36, State Constitution.)

## AMENDATORY BILLS

RULE 56. Bills introduced in the senate intended to amend existing statutes shall have the words which are amendatory to such existing statutes underlined. Any matter to be deleted from the existing statutes shall be indicated by setting such matter forth in full, enclosed by double parentheses, and such deleted matter shall be lined out with hyphens. No bill shall be printed or acted upon until the provisions of this rule shall have been complied with.

Sections added by amendatory bill to an existing act, or chapter of the official code, need not be underlined but shall be designated "NEW SECTION" in upper case type and such designation shall be underlined. New enactments need not be underlined.

## JOINT RESOLUTIONS AND MEMORIALS

RULE 57. Joint resolutions and joint memorials, up to the signing thereof by the president of the senate, shall be subject to the rules governing the course of bills.

## SENATE CONCURRENT RESOLUTIONS

RULE 58. Concurrent resolutions shall be subject to the rules governing the course of bills and may be adopted without a roll call. Concurrent resolutions authorizing investigations and authorizing the expenditure or allocation of any money must be adopted by roll call and the yeas and nays recorded in the journal. Concurrent resolutions are subject to final passage on the day of the first reading without regard to Senate Rule 61.

## COMMITTEE BILLS

RULE 59. Committee bills introduced by a standing committee may be filed with the secretary of the senate and introduced, and the signature of each member of the committee shall be endorsed upon the cover of the original bill.

Committee bills shall be read the first time by title, ordered printed, and referred to the committee on rules for second reading.

#### COMMITTEE REFERENCE

RULE 60. When a motion is made to refer a subject, and different committees are proposed, the question shall be taken in the following order:

FIRST: A standing committee.

SECOND: A select committee.

#### READING OF BILLS

RULE 61. Every bill shall be read on three separate days unless the senate deems it expedient to suspend this rule. On and after the tenth day preceding adjournment sine die of any session, or three days prior to any cut-off date for consideration of bills, as determined pursuant to Article 2, Section 12 of the Constitution or concurrent resolution, this rule may be suspended by a majority vote. (See also Rule 58).

#### FIRST READING

RULE 62. The first reading of a bill shall be by title only, unless a majority of the members present demand a reading in full.

After the first reading, bills shall be referred to an appropriate committee pursuant to Rule 60.

Upon being reported back by committee, all bills shall be referred to the committee on rules for second reading, unless otherwise ordered by the senate. (See Rule 49.)

A bill shall be reported back by the committee chairman upon written petition therefor signed by a majority of its members. The petition shall designate the recommendation as provided in Rule 45, Sub. 4.

No committee chairman shall exercise a pocket veto of any bill.

Should there be a two-thirds majority report of the committee membership against the bill, a vote shall be immediately ordered for the indefinite postponement of the bill.

#### SECOND READING/AMENDMENTS

RULE 63. Upon second reading, the bill shall be read section by section, in full, and be subject to amendment.

Any member may, if sustained by three members, remove a bill from the consent calendar as constituted by the committee on rules. A bill removed from the consent calendar shall take its place as the last bill in the order of consideration of bills on the second reading calendar.

No amendment shall be considered by the senate until it shall have been sent to the secretary's desk in writing and read by the secretary.

All amendments adopted on the second reading shall then be securely fastened to the original bill.

All amendments rejected by the senate shall be spread upon the journal, and the journal shall show the disposition of all amendments.

When no further amendments shall be offered, the president shall declare the bill has passed its second reading, and shall be referred to the committee on rules for third reading.

#### THIRD READING

RULE 64. Bills on third reading shall be read in full by sections, and no amendment shall be entertained.

When a bill shall pass, it shall be certified to by the secretary, together with the vote upon final passage, noting the day of its passage thereon.

The vote must be taken by yeas and nays, the names of the senators voting for and against the same to be entered upon the journal and the majority of the members elected to the senate must be recorded thereon as voting in its favor to secure its passage by the senate.

#### SCOPE AND OBJECT OF BILL NOT TO BE CHANGED

RULE 65. No amendment to any bill shall be allowed which shall change the scope and object of the bill. (See also Art. 2, Sec. 38, State Constitution.)

#### MATTERS RELATED TO DISAGREEMENT BETWEEN THE SENATE AND HOUSE

RULE 66. When there is a disagreement between the senate and house on a measure before the senate, the senate may act upon the measure with the following motions which have priority in the following order:

To concur  
 To non-concur  
 To recede  
 To insist  
 To adhere

These motions are in order as to any single amendment or to a series of amendments.

(See Reed's Rules 247 through 254.)

A senate bill, passed by the house with amendment or amendments which shall change the scope and object of the bill, upon being received in the senate, shall be referred to an appropriate committee and shall take the same course as for original bills, unless a motion to ask the house to recede, to insist or to adhere is made prior to the measure being referred to committee.

#### BILLS COMMITTED FOR SPECIAL AMENDMENT

RULE 67. A bill may be committed with or without special instructions to amend at any time before taking the final vote.

#### CONFIRMATION OF GUBERNATORIAL APPOINTEES

RULE 68. When the names of appointees to state offices are transmitted to the Secretary of the Senate for senate confirmation, the communication from the governor shall be recorded and referred to the appropriate standing committee.

The standing committee, or subcommittee, pursuant to rule 42, shall require each appointee referred to the committee for consideration to complete the standard questionnaire to be used to ascertain the appointee's general background and qualifications. The committee may also require the appointee to complete a supplemental questionnaire related specifically to the qualifications for the position to which he has been appointed.

The standing committee, or subcommittees, pursuant to rule 42, shall hold a public hearing on the appointment. The appointee may be required to appear before the committee on request. When appearing, the appointee shall be required to testify under oath or affirmation. The chairman of the committee or the presiding member shall administer the oath or affirmation in accordance with RCW 44.16. (See also Article 2, Sec. 6 of the State Constitution.)

Nothing in this rule shall be construed to prevent a standing committee, or subcommittee, pursuant to rule 42, upon a two-thirds vote of its members, from holding executive sessions when considering an appointment.

When the committee on rules presents the report of the standing committee before the senate, the question shall be the confirmation of the name proposed, and the roll shall then be called and the yeas and nays entered upon the journal. In the event a message is received from the governor requesting return of an appointment or appointments to the office of the governor prior to confirmation, the senate shall vote upon the governor's request and the appointment or appointments shall be returned to the governor if the request is approved by a majority of the senators elected. (Article 13 of the State Constitution.)

#### MOTION

At 1:27 p.m. on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at order at 2:00 p.m. by President Cherberg.

#### REPORT OF COMMITTEE

A committee from the House of Representatives consisting of Representatives Brekke, Fisher and Betzoff appeared before the bar of the Senate and notified the Senate that the House is organized and ready to transact business.

The report was received and the committee retired to the House of Representatives.

#### REPORT OF COMMITTEE

The Senate Committee composed of Senators Nelson, Smitherman, Tanner and West appeared before the bar of the Senate and reported that the House of Representatives had been notified that the Senate was organized and ready to transact business.

The report was received and the committee was discharged.

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

MESSAGE FROM THE HOUSE

January 12, 1987

Mr. President:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8400 and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

APPOINTMENT OF SPECIAL COMMITTEE

In accordance with Senate Concurrent Resolution No. 8400, the President appointed Senators Bender, Metcalf, DeJarnatt and Newhouse to join with a like committee from the House of Representatives to notify the Governor that the Legislature is organized and ready to transact business.

MOTION

On motion of Senator Vognild, the appointees were confirmed.

MESSAGE FROM THE HOUSE

January 12, 1987

Mr. President:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4400 and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4400 by Representatives McMullen and Ballard

BE IT RESOLVED, By the House of Representatives, the Senate concurring, That the House of Representatives meet the Senate in Joint Session on Tuesday, January 13, 1987, at 4:45 p.m. in the House Chambers, for the purpose of receiving the State of the State message of Governor Booth Gardner.

MOTIONS

On motion of Senator Vognild, the rules were suspended, House Concurrent Resolution No. 4400 was advanced to second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, House Concurrent Resolution No. 4400 was advanced to third reading, the second reading considered the third and the resolution was adopted.

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

There being no objection, the Senate resumed consideration of Senate Resolution 1987-8602 and the pending motion by Senator Vognild to adopt the resolution, deferred earlier today.

Debate ensued.

POINT OF INQUIRY

Senator Vognild: "I guess I would ask if Senator Hayner would yield to a question? I was trying to do this without getting on the record. I guess I can't. Is your request also covering the Joint Rules or are we free to run those at this time?"

Senator Hayner: "Both. I am sorry I couldn't respond immediately, because I was not in caucus. I was with Ted at the time, but I guess it does apply to both."

Further consideration of Senate Resolution 1987-8602 was deferred.

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 8400.

## REPORT OF COMMITTEE

The special committee consisting of Senators Bender, Newhouse, Metcalf and DeJarnatt appeared before the bar of the Senate to report that the Governor had been notified, under the provisions of Senate Concurrent Resolution No. 8400, that the Legislature is organized and ready to transact business.

The report was received and the committee was discharged.

## STANDING COMMITTEE ASSIGNMENTS 1987

The President announced the following Standing Committee assignments:

AGRICULTURE (6) Hansen, Chairman; Bauer, Vice Chairman; Anderson, Bailey, Barr, Gaspard.

COMMERCE AND LABOR (11) Warnke, Chairman, Smitherman, Vice Chairman; Anderson, Cantu, Lee, Sellar, Tanner, Vognild, West, Williams, Wojahn.

EDUCATION (11) Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Craswell, Patterson, Saling, Smitherman, Warnke.

ENERGY AND UTILITIES (7) Williams, Chairman; Owen, Vice Chairman; Benitz, Cantu, Nelson, Smitherman, Stratton (Chair, Nuclear Waste Transportation Subcommittee).

FINANCIAL INSTITUTIONS (8) Moore, Chairman; Bender, Vice Chairman; Bottiger, Fleming, McDermott, Metcalf, Pullen, von Reichbauer.

GOVERNMENTAL OPERATIONS (7) Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Pullen, Talmadge, Zimmerman.

HUMAN SERVICES AND CORRECTIONS (9) Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Peterson, Tanner.

JUDICIARY (7) Talmadge, Chairman; Halsan, Vice Chairman; Bottiger, McCaslin, Moore, Nelson, Newhouse.

NATURAL RESOURCES (11) Owen, Chairman; DeJarnatt, Vice Chairman; Barr, Conner, Craswell, McDonald, Metcalf, Patterson, Peterson, Rasmussen, Stratton.

PARKS AND ECOLOGY (5) Kreidler, Chairman; Rinehart, Vice Chairman; Bluechel, Hansen, Kiskaddon.

RULES (15) Lieutenant Governor Cherberg, Chairman; Rasmussen, Vice Chairman; Bauer, Bender, Benitz, Bottiger, Conner, Fleming, Garrett, Hayner, Newhouse, Sellar, Vognild, von Reichbauer, Zimmerman.

TRANSPORTATION (17) Peterson, Chairman; Hansen, Vice Chairman (East); Tanner, Vice Chairman (West); Bailey, Barr, Bender, Conner, DeJarnatt, Garrett, Halsan, Johnson, Nelson, Patterson, Sellar, Smitherman, von Reichbauer, West.

WAYS AND MEANS (23) McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Cantu, Craswell, Deccio, Fleming, Hayner, Kreidler, Lee, McDonald, Moore, Owen, Rasmussen, Rinehart, Saling, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman.

## MOTION

Senator Bottiger moved that the Standing Committee assignments be adopted. Debate ensued.

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

The President declared the question before the Senate to be the roll call on adoption of the Standing Committee Assignments.

## ROLL CALL

The Secretary called the roll and the Standing Committee assignments were adopted by the following vote: Yeas, 25; nays, 22; absent, 1; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Moore, Owen, Peterson, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 25.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Lee, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, von Reichbauer, West, Zimmerman - 22.

Absent: Senator Kiskaddon - 1.

Excused: Senator McCaslin - 1.

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

MESSAGES FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

April 10, 1985

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

I have the honor to submit the following appointment, subject to your confirmation.

Ed Luders, appointed April 10, 1985, for a term ending December 31, 1990, as a member of the State Parks and Recreation Commission, succeeding Durand A. Cox.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Parks and Ecology.

April 10, 1985

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

I have the honor to submit the following appointment, subject to your confirmation.

Richard G. Dixon, appointed April 10, 1985, for a term ending December 31, 1988, as a member of the State Parks and Recreation Commission, succeeding Eustace "Sunny" Vynne, Jr.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Parks and Ecology.

April 10, 1985

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

I have the honor to submit the following appointment, subject to your confirmation.

Queenie Allado, appointed April 10, 1985, for a term ending December 31, 1988, as a member of the State Parks and Recreation Commission, succeeding Jack R. Gustafson.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Parks and Ecology.

April 10, 1985

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

I have the honor to submit the following appointment, subject to your confirmation.

Patrick J. Graham, appointed April 10, 1985, for a term ending June 30, 1989, as a member of the State Gambling Commission, succeeding Pat Williams.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

April 10, 1985

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

I have the honor to submit the following appointment, subject to your confirmation.

Jeanie E. Marsden, appointed April 10, 1985, for a term ending December 31, 1987, as a member of the State Interagency Committee for Outdoor Recreation, succeeding Silva Bolds.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Parks and Ecology.

April 10, 1985

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

I have the honor to submit the following appointment, subject to your confirmation.

Joe C. Jones, appointed April 10, 1985, for a term ending December 31, 1987, as a member of the State Interagency Committee for Outdoor Recreation, succeeding John H. Jessup.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Parks and Ecology.

April 10, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Cornelius R. Duffie, reappointed April 10, 1985, for a term ending June 13, 1988, as a member of the WPPSS Executive Board of Directors.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Energy and Utilities.

April 10, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Janet Allison, reappointed April 10, 1985, for a term ending July 1, 1989, as a member of the Commission for Vocational Education.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Education.

May 31, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Moyes Lucas, appointed May 31, 1985, for a term ending December 31, 1990, as a member of the Parks and Recreation Commission, succeeding Richard Swan.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Parks and Ecology.

May 31, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Governor Albert D. Rosellini, reappointed May 31, 1985, for a term ending June 30, 1991, as a member of the Transportation Commission.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Transportation.

July 5, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Robert Tull, appointed July 5, 1985, for a term ending June 30, 1990, as a member of the State Gambling Commission.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

July 5, 1985

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

I have the honor to submit the following appointment, subject to your confirmation.

Dr. Robert P. Shanewise, appointed July 5, 1985, for a term ending July 16, 1989, as a member of the Hospital Commission, succeeding Dr. Arch Logan.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Human Services and Corrections.

August 14, 1985

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

I have the honor to submit the following appointment, subject to your confirmation.

Ann H. Noel, appointed August 14, 1985, for a term ending June 30, 1991, as a member of the State Gambling Commission, succeeding Ronald S. Jones.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

October 2, 1985

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

I have the honor to submit the following appointment, subject to your confirmation.

Sam J. Farmer, Jr., appointed October 2, 1985, for a term ending June 13, 1989, as a member of the WPPSS Executive Board of Directors, succeeding Ronald Mayo.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Energy and Utilities.

October 3, 1985

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

I have the honor to submit the following appointment, subject to your confirmation.

Jon Runstad, appointed October 3, 1985, for a term ending June 30, 1987 as a member of the Higher Education Coordinating Board.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Education.

September 25, 1985

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

I have the honor to submit the following appointment, subject to your confirmation.

Kaye Mickelson, appointed September 25, 1985, for a term ending September 25, 1987, as a member of the Spokane Joint Center Higher Education Administrative Board.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Education.

November 27, 1985

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

I have the honor to submit the following reappointment, subject to your confirmation.

William P. Ellis, reappointed November 27, 1985, for a term ending December 26, 1988, as a member of the Board of Pilotage Commissioners.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Transportation.

November 27, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Amigo Soriano, appointed November 27, 1985, for a term ending December 26, 1988, as a member of the Board of Pilotage Commissioners, succeeding Melvin Stewart.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Transportation.

November 27, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Ottis H. Abney, appointed November 27, 1985, for a term ending December 26, 1988, as a member of the Board of Pilotage Commissioners, succeeding Henry Damon.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Transportation.

December 13, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Yih-ho (Michael) Pao, appointed December 13, 1985, for a term ending October 25, 1991, as a member of the Small Business Export Financial Assistance Center Board of Directors.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

December 13, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Ruthann Kurose, appointed December 13, 1985, for a term ending October 25, 1991, as a member of the Small Business Export Financial Assistance Center Board of Directors.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

January 10, 1986

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Barbara Vanderkolk, reappointed January 10, 1986, for a term ending January 20, 1990, as a member of the State Board of Pharmacy.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Human Services and Corrections.

January 31, 1986

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

I have the honor to submit the following appointment, subject to your confirmation.

William T. Trulove, appointed January 31, 1986, for a term ending January 15, 1989, as a member of the Pacific Northwest Electric Power and Conservation Planning Council.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Energy and Utilities.

February 13, 1986

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

I have the honor to submit the following appointment, subject to your confirmation.

Ruth A. Beck, appointed February 13, 1986, for a term ending December 31, 1990, as a member of the Public Disclosure Commission.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Judiciary.

March 3, 1986

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

I have the honor to submit the following appointment, subject to your confirmation.

Richard E. Bangert, appointed March 3, 1986, for a term ending October 25, 1989, as a member of the Small Business Export Financial Assistance Center Board of Directors.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

March 3, 1986

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

I have the honor to submit the following appointment, subject to your confirmation.

Lucille M. Carlson, appointed March 3, 1986, for a term ending March 1, 1991, as a member of the Tax Appeals Board, succeeding John D. Jones.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Ways and Means.

March 14, 1986

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

I have the honor to submit the following appointment, subject to your confirmation.

Joseph F. Quinn, appointed March 14, 1986, for a term ending September 8, 1989, as a member of the Public Employees Relations Commission.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

March 28, 1986

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

I have the honor to submit the following reappointment, subject to your confirmation.

Harry E. Morgan, Jr., reappointed March 28, 1986, for a term ending March 26, 1990, as a member of the Higher Education Facilities Authority.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Education.

April 8, 1986

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

I have the honor to submit the following reappointment, subject to your confirmation.

Donald M. Ford, reappointed April 8, 1986, for a term ending April 16, 1990, as a member of the Oil and Gas Conservation Committee.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Natural Resources.

April 23, 1986

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

I have the honor to submit the following appointment, subject to your confirmation.

Kathryn S. Bail, appointed April 23, 1986, for a term ending April 15, 1991, as a member of the Indeterminate Sentencing Review Board, succeeding Walter Hubbard.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Human Services and Corrections.

May 6, 1986

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

I have the honor to submit the following appointment, subject to your confirmation.

Dr. Eliot W. Scull, appointed May 6, 1986, for a term ending December 31, 1988, as a member of the Interagency Committee for Outdoor Recreation, succeeding Virginia Warden.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Parks and Ecology.

May 6, 1986

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

I have the honor to submit the following appointment, subject to your confirmation.

Merlyn M. Bell, appointed May 6, 1986, for a term ending September 24, 1988, as a member of the Corrections Standards Board.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Human Services and Corrections.

May 6, 1986

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

I have the honor to submit the following reappointment, subject to your confirmation.

Chester A. Richmond, Jr., reappointed May 6, 1986, for a term ending December 26, 1989, as a member of the Board of Pilotage Commissioners.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Transportation.

May 12, 1986

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

I have the honor to submit the following appointment, subject to your confirmation.

Charles Alexander, appointed May 12, 1986, for a term ending January 4, 1991, as a member of the State Personnel Board, succeeding Carl Westine.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

May 21, 1986

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

I have the honor to submit the following appointment, subject to your confirmation.

Joanne Bailey Wilson, appointed May 21, 1986, for a term ending July 26, 1991, as a member of the Personnel Appeals Board, succeeding Vern Stonecypher.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

June 16, 1986

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

I have the honor to submit the following appointment, subject to your confirmation.

Douglas D. Walsh, appointed June 16, 1986, for a term ending April 15, 1988, as a member of the Indeterminate Sentencing Review Board, succeeding Philip R. Whitman.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Human Services and Corrections.

June 18, 1986

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

I have the honor to submit the following appointment, subject to your confirmation.

John D. Sweesy, appointed June 18, 1986, for a term ending June 17, 1991, as a member of the Human Rights Commission.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Judiciary.

June 19, 1986

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

I have the honor to submit the following reappointment, subject to your confirmation.

R. Dan Leary, reappointed June 19, 1986, for a term ending September 30, 1988, as a member of the Washington State University Board of Regents.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Education.

July 1, 1986

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

I have the honor to submit the following appointment, subject to your confirmation.

Jule M. Sugarman, appointed July 1, 1986, for a term ending at the pleasure of the Governor, as Secretary of the Department of Social and Health Services.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Human Services and Corrections.

April 23,, 1986

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Phyllis G. Kenney, appointed July 1, 1986, for a term ending April 15, 1989, as a member of the Indeterminate Sentencing Review Board, succeeding Kathryn S. Ball.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Human Services and Corrections.

July 8, 1986

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

William J. Kamps, appointed July 8, 1986, for a term ending June 30, 1992, as a member of the State Transportation Commission.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Transportation.

July 16, 1986

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Chase A. Riveland, appointed July 16, 1986, for a term ending at the pleasure of the Governor, as Secretary of the Washington State Department of Corrections.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Human Services and Corrections.

July 17, 1986

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Howard H. Pryor, appointed July 17, 1986, for a term ending September 30, 1987, as a member of the the Board of Trustees, Wenatchee Valley Community College District No. 15.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Education.

July 18, 1986

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Judge David R. LaRose, reappointed July 18, 1986, for a term ending June 30, 1991, as Chief Administrative Law Judge.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Judiciary.

June 19, 1986

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

I have the honor to submit the following appointment, subject to your confirmation.

Louis H. Pepper, appointed June 19, 1986, for a term ending September 30 1990, as a member of the Washington State University Board of Regents.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Education.

July 31, 1986

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

I have the honor to submit the following appointment, subject to your confirmation.

Glenna S. Hall, appointed July 31, 1986, for a term ending December 31, 1990, as a member of the State Parks and Recreation Commission.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Parks and Ecology.

December 12, 1986

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

I have the honor to submit the following appointment, subject to your confirmation.

Judge Donald H. Thompson, appointed December 12, 1986, for a term ending August 2, 1989, as a member of the Sentencing Guidelines Commission.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Judiciary.

August 8, 1986

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

I have the honor to submit the following reappointment, subject to your confirmation.

Louis O. Stewart, reappointed August 8, 1986, for a term ending June 15, 1991, as a member of the Marine Employees Commission.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Transportation.

December 18, 1986

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

I have the honor to submit the following appointment, subject to your confirmation.

Evelyn Y. Sun, appointed January 2, 1987, for a term ending at the pleasure of the Governor, as Director of the Washington State Lottery.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

August 13, 1986

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

I have the honor to submit the following appointment, subject to your confirmation.

Mary G. Faulk, appointed August 13, 1986, for a term ending at the pleasure of the Governor, as Acting Director the Department of General Administration.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

September 1, 1986

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Richard A. Virant, appointed September 1, 1986, for a term ending March 1, 1987, as a member of the Tax Appeals Board.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Ways and Means.

September 15, 1986

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Judith A. Klayman, reappointed September 15, 1986, for a term ending July 16, 1990, as a member of the Hospital Commission.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Human Services and Corrections.

September 15, 1986

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Joseph E. Hunt, reappointed September 15, 1986, for a term ending July 16, 1990, as a member of the Hospital Commission.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Human Services and Corrections.

September 16, 1986

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Sydney Steinborn, reappointed September 16, 1986, for a term ending June 13, 1990, as a member of the Washington Public Power Supply System Executive Board of Directors (WPPSS).

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Energy and Utilities.

September 22, 1986

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Judith A. Bendor, appointed September 22, 1986, for a term ending June 30, 1992, as a member of the Pollution Control/Shorelines Hearings Board.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Parks and Ecology.

September 25, 1986

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

I have the honor to submit the following reappointment, subject to your confirmation.

Judge B. J. McLean, reappointed September 25, 1986, for a term ending September 25, 1990, as a member of the Clemency and Pardons Board.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Human Services and Corrections.

October 10, 1986

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

I have the honor to submit the following reappointment, subject to your confirmation.

Gordon Sandison, reappointed October 10, 1986, for a term ending September 30, 1992, as a member of the Board of Trustees, Western Washington University.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Education.

October 8, 1986

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

I have the honor to submit the following appointment, subject to your confirmation.

Bill Mortimer, appointed October 8, 1986, for a term ending October 13, 1991, as a member of the Board of Trustees, Lower Columbia Community College District No. 13.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Education.

October 8, 1986

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

I have the honor to submit the following reappointment, subject to your confirmation.

Philip S. Hayes, reappointed October 8, 1986, for a term ending April 30, 1990, as a member of the State Board for Community College Education.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Education.

October 14, 1986

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

I have the honor to submit the following appointment, subject to your confirmation.

Andrew S. Hess, appointed October 14, 1986, for a term ending June 30, 1989, as a member of the Higher Education Coordinating Board.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Education.

October 8, 1986

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

I have the honor to submit the following reappointment, subject to your confirmation.

Mary Henrie, reappointed October 8, 1986, for a term ending September 30, 1991, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Education.

October 8, 1986

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

I have the honor to submit the following reappointment, subject to your confirmation.

Anthony Washines reappointed October 8, 1986, for a term ending September 30, 1991, as a member of the Board of Trustees, Yakima Valley Community College District No. 16.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Education.

October 8, 1986

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

I have the honor to submit the following reappointment, subject to your confirmation.

Eloise V. Alvarez, reappointed October 8, 1986, for a term ending September 30, 1991, as a member of the Board of Trustees, Big Bend Community College District No. 18.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Education.

October 8, 1986

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

I have the honor to submit the following appointment, subject to your confirmation.

Minh-Anh T. Hodge, appointed October 8, 1986, for a term ending September 30, 1989, as a member of the Board of Trustees, Columbia Basin Community College District No. 19.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Education.

October 8, 1986

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

I have the honor to submit the following appointment, subject to your confirmation.

Dennis G. Seinfeld, appointed October 8, 1986, for a term ending September 30, 1991, as a member of the Board of Trustees, Tacoma Community College District No. 22.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Education.

October 8, 1986

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

I have the honor to submit the following reappointment, subject to your confirmation.

Jack Durney, reappointed October 8, 1986, for a term ending September 30, 1991, as a member of the Board of Trustees, Grays Harbor Community College District No. 2.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Education.

October 8, 1986

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

James W. Caley, appointed October 8, 1986, for a term ending April 30, 1987, as a member of the State Board for Community College Education.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Education.

October 8, 1986

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Max M. Snyder, reappointed October 8, 1986, for a term ending April 30, 1990, as a member of the State Board for Community College Education.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Education.

October 8, 1986

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Rev. Samuel B. McKinney, reappointed October 8, 1986, for a term ending July 1, 1991, as a member of the Commission for Vocational Education.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Education.

November 6, 1986

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Gary Moore, appointed November 6, 1986, for a term ending December 31, 1987, as a member of the State Investment Board.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Ways and Means.

December 12, 1986

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Arthur D. Curtis, appointed December 12, 1986, for a term ending August 2, 1989, as a member of the Sentencing Guidelines Commission.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Judiciary.

November 14, 1986

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

David L. Carlson, appointed November 14, 1986, for a term ending April 15, 1987, as a member of the Indeterminate Sentencing Review Board.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Judiciary.

December 30, 1986

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Bruce A. Wilson, appointed January 1, 1987, for a term ending December 31, 1991, as a member of the Public Disclosure Commission.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Judiciary.

November 19, 1986

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Joseph R. Blum, appointed December 29, 1986, for a term ending at the pleasure of the Governor, as the Director of the Department of Fisheries.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Natural Resources.

November 19, 1986

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

William R. Wilkerson, appointed December 1, 1986, for a term ending at the pleasure of the Governor, as the Director of the Department of Revenue.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Ways and Means.

November 14, 1986

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Julie A. Johnson, appointed November 14, 1986, for a term ending September 30, 1991, as a member of the Board of Trustees, Peninsula Community College District No. 1.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Education.

November 14, 1986

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Kay M. Boyd, appointed November 14, 1986, for a term ending September 30, 1992, as a member of The Evergreen State College Board of Trustees.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Education.

November 14, 1986

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

I have the honor to submit the following appointment, subject to your confirmation.

Mary Ann Funk, appointed November 14, 1986, for a term ending September 30, 1991, as a member of the Board of Trustees, Skagit Valley Community College District No. 4.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Education.

October 8, 1986

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

I have the honor to submit the following appointment, subject to your confirmation.

George E. Northcroft, appointed October 8, 1986, for a term ending September 30, 1991, as a member of the Board of Trustees, Bellevue Community College District No. 8.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Education.

November 14, 1986

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

I have the honor to submit the following appointment, subject to your confirmation.

Alexander Swantz, appointed November 14, 1986, for a term ending September 30, 1991, as a member of the Board of Trustees, Walla Walla Community College District No. 20.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Education.

November 14, 1986

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

I have the honor to submit the following appointment, subject to your confirmation.

Edith A. Lawrence, appointed November 14, 1986, for a term ending September 30, 1991, as a member of the Board of Trustees, Edmonds Community College District No. 23.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Education.

November 14, 1986

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

I have the honor to submit the following appointment, subject to your confirmation.

Inez P. Johnson, appointed November 14, 1986, for a term ending September 30, 1991, as a member of the Board of Trustees, Whatcom Community College District No. 21.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Education.

April 16, 1986

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

I have the honor to submit the following appointment, subject to your confirmation.

Bruce F. Brennan, appointed April 16, 1986, for a term ending February 21, 1989, as a member of the Apprenticeship Council.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

December 12, 1986

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

I have the honor to submit the following reappointment, subject to your confirmation.

Patricia Anthony, reappointed December 12, 1986, for a term ending August 2, 1989, as a member of the Sentencing Guidelines Commission.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Judiciary.

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

#### INTRODUCTION AND FIRST READING

SB 5000 by Senators Saling, McDonald, Cantu, Hayner, Patterson, Zimmerman, Lee, Bluechel, von Reichbauer, Barr, Pullen, Sellar, Kiskaddon, Anderson, Benitz, Metcalf, Johnson, Bailey, Deccio, Newhouse, Nelson, McCaslin, Craswell and West

AN ACT Relating to higher education compensation; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5001 by Senators Talmadge and Halsan

AN ACT Relating to the judicial council; amending RCW 2.52.010, 2.52.030, and 2.52.050; adding a new section to chapter 2.52 RCW; and repealing RCW 2.52.060, 2.52.070, and 2.52.080.

Referred to Committee on Judiciary.

SB 5002 by Senators Talmadge, Metcalf and Halsan

AN ACT Relating to the commission on judicial conduct; amending RCW 2.64.010, 2.64.020, 2.64.110, and 34.08.020; reenacting and amending RCW 43.10.067; adding new sections to chapter 2.64 RCW; creating a new section; repealing RCW 2.64.090 and 2.64.900; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5003 by Senators Bottiger, Vognild and Moore

AN ACT Relating to termination of parent-child relationships; and amending RCW 26.33.120.

Referred to Committee on Judiciary.

SB 5004 by Senators Talmadge and Rasmussen (by request of Lieutenant Governor Cherberg)

AN ACT Relating to public disclosure of financial affairs by elected and appointed officials, candidates, and appointees; and reenacting and amending RCW 42.17.240.

Referred to Committee on Judiciary.

SB 5005 by Senators Moore and McDermott

AN ACT Relating to aquatic land revenues; and amending RCW 79.24.580.

Referred to Committee on Ways and Means.

SB 5006 by Senator Moore

AN ACT Relating to metropolitan municipal corporations; amending RCW 35.58.120, 35.58.130, 35.58.140, and 35.58.150; adding a new section to chapter 35.58 RCW; and creating a new section.

Referred to Committee on Governmental Operations.

SB 5007 by Senator Moore

AN ACT Relating to animal research; amending RCW 16.52.010; adding a new section to chapter 16.52 RCW; providing penalties; and declaring an emergency.

Referred to Committee on Agriculture.

SB 5008 by Senator Moore

AN ACT Relating to county property tax payments; and amending RCW 84.56.020.

Referred to Committee on Governmental Operations.

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

AN ACT Relating to the exemption from property taxes of outpatient dialysis facilities; and amending RCW 84.36.040.

Referred to Committee on Ways and Means.

SB 5010 by Senators Halsan and Zimmerman

AN ACT Relating to legislative terms of office; amending RCW 44.07B.870; and recodifying RCW 44.07B.870.

Referred to Committee on Governmental Operations.

SB 5011 by Senators Halsan and Zimmerman

AN ACT Relating to the legislature and terms of state officials; amending RCW 44.04.010 and 43.01.010; and adding a new section to chapter 44.04 RCW.

Referred to Committee on Governmental Operations.

SB 5012 by Senators Halsan and Zimmerman

AN ACT Relating to the rotation of candidates on ballots; and amending RCW 29.18.022 and 29.18.045.

Referred to Committee on Governmental Operations.

SB 5013 by Senators Garrett, Zimmerman and Halsan

AN ACT Relating to street vacations; amending RCW 35.79.030 and 36.87.130; and adding a new section to chapter 35.79 RCW.

Referred to Committee on Governmental Operations.

SB 5014 by Senators Williams, Owen, Stratton, Warnke, Smitherman, Wojahn, DeJarnatt, Bailey, Saling, Talmadge, Garrett, Bauer, Rasmussen, Tanner and Moore

AN ACT Relating to weatherization of residences of low-income persons; adding a new chapter to Title 70 RCW; and declaring an emergency.

Referred to Committee on Energy and Utilities.

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

AN ACT Relating to modifications in terminology regarding municipal courts; and amending RCW 3.46.020, 3.70.010, 7.16.160, 9.92.070, 35.18.060, 35.23.020, 35.23.040, 35.23.190, 35.24.020, 35.24.080, 35.24.160, 35.27.070, 35.27.240, 35A.12.020, 35A.12.090, 35A.13.010, 35A.13.080, 46.52.100, 78.12.020, and 78.12.060.

Referred to Committee on Judiciary.

**SB 5016** by Senators Newhouse, Talmadge, Halsan and West (by request of Statute Law Committee)

AN ACT Relating to modifications of terminology resulting from the Rules of Appellate Procedure; amending RCW 2.24.050, 4.32.250, 4.92.030, 7.16.350, 7.20.140, 8.04.070, 8.04.130, 8.04.150, 8.08.080, 8.12.200, 8.12.530, 8.16.130, 8.20.100, 8.20.120, 9.95.060, 10.77.230, 10.95.150, 11.52.016, 11.96.160, 11.110.110, 11.110.110, 17.04.230, 17.16.110, 19.77.100, 20.01.200, 24.32.360, 28A.58.500, 28B.16.160, 29.79.170, 29.79.210, 29.82.160, 31.08.260, 33.04.060, 33.08.070, 33.40.120, 34.04.140, 35.44.260, 35.44.270, 35.55.080, 35.56.090, 36.93.160, 36.94.290, 41.64.140, 43.21B.190, 43.21B.200, 43.24.120, 43.52.430, 47.32.060, 48.31.190, 49.60.260, 50.32.160, 51.52.110, 52.22.101, 54.16.160, 54.16.165, 57.16.090, 58.28.490, 59.12.200, 65.12.175, 72.33.240, 74.08.080, 79.01.500, 80.04.190, 80.04.260, 80.50.140, 81.04.190, 81.04.260, 81.53.130, 81.53.170, 82.32.180, 84.28.080, 84.28.110, 84.64.120, 84.64.400, 85.05.079, 85.05.470, 85.06.630, 85.06.660, 85.06.750, 85.08.440, 85.15.130, 85.16.190, 85.16.210, 85.18.140, 85.24.130, 85.24.140, 85.32.200, 87.03.410, 87.03.760, 87.03.765, 87.22.090, 87.56.225, 88.32.090, 90.03.200, 90.03.210, 90.24.070, 91.08.250, and 91.08.580; and repealing RCW 2.04.160, 2.04.170, 4.88.260, and 10.77.130.

Referred to Committee on Judiciary.

**SB 5017** by Senators Talmadge, Newhouse, Halsan and West (by request of Statute Law Committee)

AN ACT Relating to conforming the statutes involving district courts to reflect modern terminology and practices; amending RCW 2.04.190, 2.08.020, 2.20.020, 2.28.040, 2.36.150, 2.40.010, 2.48.190, 2.56.080, 2.56.110, 3.30.020, 3.34.010, 3.34.020, 3.34.030, 3.62.050, 4.24.180, 4.56.190, 4.56.200, 4.64.110, 4.64.120, 4.80.140, 4.84.030, 4.84.130, 4.84.300, 5.28.010, 5.56.070, 5.56.080, 7.06.020, 7.12.060, 7.12.330, 7.16.040, 7.16.160, 7.16.300, 7.33.040, 7.33.060, 7.44.060, 7.48.250, 7.48.260, 9.12.020, 9.46.230, 9.66.040, 9.72.090, 9.92.060, 9.92.070, 9.92.130, 9.92.140, 9.95.210, 10.01.070, 10.01.090, 10.04.020, 10.04.040, 10.04.050, 10.04.100, 10.04.110, 10.04.120, 10.10.010, 10.13.010, 10.13.075, 10.13.100, 10.13.110, 10.13.120, 10.13.130, 10.16.100, 10.16.160, 10.19.110, 10.19.120, 10.37.015, 10.46.210, 10.82.070, 10.91.040, 11.20.030, 15.17.200, 15.32.720, 15.32.770, 15.36.580, 15.49.470, 16.04.040, 16.12.020, 16.12.030, 16.16.060, 16.28.160, 16.52.060, 17.21.280, 18.64.260, 19.72.030, 19.72.040, 19.86.090, 27.24.090, 28A.27.100, 28A.27.120, 28A.27.104, 28A.27.120, 29.21.070, 29.21.120, 35.20.090, 35.20.210, 35.20.250, 35.20.910, 36.01.060, 36.24.030, 36.24.050, 36.24.160, 36.27.020, 36.32.120, 36.53.070, 36.53.080, 36.53.110, 36.53.140, 36.82.210, 43.24.120, 46.08.170, 46.52.100, 46.52.190, 47.68.240, 49.40.070, 50.16.010, 58.12.065, 66.32.020, 66.32.050, 66.32.070, 66.32.090, 66.44.010, 66.44.180, 67.14.120, 69.41.060, 69.50.509, 72.40.100, 75.08.230, 78.12.020, 78.12.040, 78.12.050, 78.12.060, 78.40.351, 78.40.606, 78.40.723, 80.04.400, 80.24.040, 80.24.050, 81.04.400, 81.24.080, 82.24.140, 82.24.190, 82.36.420, 87.84.090, 88.16.150, 88.20.050, 88.20.070, and 90.03.090; reenacting and amending RCW 36.18.020; adding a new section to chapter 10.04 RCW; creating a new section; and repealing RCW 10.04.060, 10.04.080, 10.04.090, 10.10.040, 10.16.050, 10.16.060, 10.16.130, 10.16.135, 16.12.040, 16.12.050, 16.12.060, 26.20.040, 36.49.080, 41.32.640, 45.28.080, 45.28.090, 10.07.010, 10.07.020, 10.07.030, 10.07.040, 10.07.050, 10.07.060, 10.07.070, and 10.07.080.

Referred to Committee on Judiciary.

**SB 5018** by Senators Halsan, Talmadge, Newhouse and West (by request of Statute Law Committee)

AN ACT Relating to the amendment or repeal of statutes relating to district courts that are archaic or superseded by court rule; amending RCW 12.04.050, 12.04.060, 12.04.130, 12.04.170, 12.08.120, 12.12.020, 12.12.030, 12.12.060, 12.12.080, 12.12.090, 12.16.015, 12.20.050, 12.20.060, 12.20.070, 12.24.010, 12.24.020, 12.24.030, 12.24.040, 12.24.050, 12.24.060, 12.24.100, 12.24.120, 12.24.130, 12.24.135, 12.24.140, 12.24.150, 12.24.160, 12.24.170, 12.24.180, 12.24.190, 12.24.200, 12.24.210, 12.36.010, 12.40.040, 4.14.010, 4.14.020, 4.14.030, and 4.14.040; adding a new section to chapter 3.20 RCW; adding new sections to chapter 12.04 RCW; adding a new section to chapter 12.08 RCW; and repealing RCW 3.20.100, 12.04.010, 12.04.020, 12.04.030, 12.04.040, 12.04.070, 12.04.080, 12.04.090, 12.04.100, 12.04.110, 12.04.120, 12.04.140, 12.04.150, 12.04.160, 12.08.010, 12.08.020, 12.08.030, 12.08.040, 12.08.050, 12.08.060, 12.08.070, 12.08.080, 12.08.090, 12.08.100, 12.08.110, 12.12.010, 12.12.040, 12.12.070, 12.12.100, 12.16.020, 12.16.030, 12.16.040, 12.16.050, 12.16.060, 12.16.070, 12.16.080, 12.16.090, 12.20.010, 12.20.020, 12.20.030, 12.24.070, 12.24.080, 12.24.090, 12.24.110, 12.36.020, 12.36.030, 12.36.040, 12.36.050,

12.36.070, 12.36.080, 12.36.090, 12.04.200, 12.04.201, 12.04.203, 12.04.204, 12.04.205, 12.04.206, 12.04.207, and 12.04.208.

Referred to Committee on Judiciary.

SB 5019 by Senators McCaslin and Lee

AN ACT Relating to sewer and water districts; and amending RCW 56.04.030, 56.04-.050, 57.04.030, and 57.04.050.

Referred to Committee on Governmental Operations.

SB 5020 by Senators McCaslin, Lee, West and Stratton

AN ACT Relating to counties; amending RCW 36.32.010, 36.32.070, and 36.16.030; and adding new sections to chapter 36.32 RCW.

Referred to Committee on Governmental Operations.

SB 5021 by Senators DeJarnatt and Barr

AN ACT Relating to weed control boards; and adding a new section to chapter 17.10 RCW.

Referred to Committee on Governmental Operations.

SB 5022 by Senators Tanner, Newhouse, Halsan, Saling, DeJarnatt, Deccio, Smitherman, McDermott, Gaspard, Fleming, Warnke, Vognild, Garrett, Lee, Bauer, Talmadge, Stratton and Moore (by request of Department of Community Development)

AN ACT Relating to appropriations for projects recommended by the public works board; making appropriations; creating a new section; and declaring an emergency.

Referred to Committee on Ways and Means.

MOTION

At 2:40 p.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Tuesday, January 13, 1987.

JOHN A. CHERBERG, President of the Senate:

SID SNYDER, Secretary of the Senate.

## SECOND DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Tuesday, January 13, 1987

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

The Sergeant at Arms Color Guard, consisting of Pages Sara Markham and Ian Ith presented the Colors. Reverend Lee Forstrum, pastor of the Westwood Baptist Church of Olympia, offered the prayer.

#### MOTION

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

#### MESSAGE FROM SECRETARY OF STATE

The Honorable,  
President of the Senate  
The Legislature of the State of Washington  
Olympia, Washington  
Mr. President:

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

#### REFERENDUM BILL 40

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

YES .....	1,055,896
NO .....	222,141

#### INITIATIVE MEASURE 90

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

YES .....	493,794
NO .....	784,382

#### SENATE JOINT RESOLUTION 136

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

YES .....	696,932
NO .....	486,490

#### SENATE JOINT RESOLUTION 138

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

YES .....	557,447
NO .....	585,642

#### HOUSE JOINT RESOLUTION 49

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

YES .....	630,736
NO .....	575,213

#### HOUSE JOINT RESOLUTION 55

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

	YES .....	712,816
	NO .....	492,445
UNITED STATES SENATE		
Slade Gordon .....	(R)	650,931
Brock Adams .....	(D)	677,471
Jill Fein .....	(SW)	8,965
U.S. REPRESENTATIVE, 1st District		
John Miller .....	(R)	97,969
Reese Lindquist .....	(D)	92,697
U.S. REPRESENTATIVE, 2nd District		
Thomas S. Taiman .....	(R)	48,077
Al Swift .....	(D)	124,840
U.S. REPRESENTATIVE, 3rd District		
Joe Illing .....	(R)	41,275
Don Bonker .....	(D)	114,775
U.S. REPRESENTATIVE, 4th District		
Sid Morrison .....	(R)	107,593
Robert Goedecke .....	(D)	41,709
U.S. REPRESENTATIVE, 5th District		
Floyd L. Wakefield .....	(R)	41,179
Thomas S. Foley .....	(D)	121,732
U.S. REPRESENTATIVE, 6th District		
Kenneth W. Braaten .....	(R)	36,410
Norm Dicks .....	(D)	90,063
U.S. REPRESENTATIVE, 7th District		
Don McDonald .....	(R)	46,831
Mike Lowry .....	(D)	124,317
U.S. REPRESENTATIVE, 8th District		
Rod Chandler .....	(R)	107,824
David E. Giles .....	(D)	57,545
STATE SUPREME COURT, Position 1		
James M. Dolliver .....	(NP)	794,520
STATE SUPREME COURT, Position 2		
Robert F. Utter .....	(NP)	774,780
STATE SUPREME COURT, Position 3		
Fred H. Dore .....	(NP)	789,756
COURT OF APPEALS, DIVISION 3, District 2 (Adams, Asotin, Benton, Columbia, Franklin, Garfield, Grant, Walla Walla and Whitman)		
Dale M. Green .....	(NP)	62,958
SUPERIOR COURT, (Benton and Franklin)		
Dennis D. Yule .....	(NP)	30,215
STATE REPRESENTATIVE, 1st District, Position 1		
Lincoln Loehr .....	(R)	12,487
Nancy Rust .....	(D)	19,890
STATE REPRESENTATIVE, 1st District, Position 2		
Peter Davenport .....	(R)	12,673
Grace Cole .....	(D)	19,173
STATE REPRESENTATIVE, 2nd District, Position 1		
Merl Gorton .....	(R)	6,505
Marilyn Rasmussen .....	(D)	7,672
STATE REPRESENTATIVE, 2nd District, Position 2		
Tom Garrod .....	(R)	3,847
Ken Madsen .....	(D)	9,028
STATE SENATE, 7th District		
Scott Barr .....	(R)	17,004
John Krogh .....	(D)	11,359
STATE REPRESENTATIVE, 7th District, Position 1		
Steve Fuhrman .....	(R)	15,983
Mark A. Patterson .....	(D)	12,332

STATE REPRESENTATIVE, 7th District, Position 2		
Marian McClanahan	(R)	10,486
Tom Bristow	(D)	17,798
STATE REPRESENTATIVE, 9th District, Position 1		
Darwin R. Nealey	(R)	13,320
Ken Casavant	(D)	12,323
STATE REPRESENTATIVE, 9th District, Position 2		
Eugene A. Prince	(R)	15,854
Larry Cramer	(D)	9,525
STATE REPRESENTATIVE, 10th District, Position 1		
Sim Wilson	(R)	15,386
Keith Wilson	(D)	12,824
STATE REPRESENTATIVE, 10th District, Position 2		
Jim McKinney	(R)	9,138
Mary Margaret Haugen	(D)	19,235
STATE REPRESENTATIVE, 12th District, Position 1		
Clyde Ballard	(R)	19,971
Pat (Scoop) Manners	(D)	7,597
STATE REPRESENTATIVE, 12th District, Position 2		
Alex McLean	(R)	16,510
James R. Nelson	(D)	10,104
STATE SENATE, 13th District		
Keith Ellis	(R)	9,269
Frank (Tub) Hansen	(D)	15,540
STATE REPRESENTATIVE, 13th District, Position 1		
Glyn Chandler	(R)	15,250
Steve Frazier	(D)	8,450
STATE REPRESENTATIVE, 13th District, Position 2		
Curt Smith	(R)	15,086
R. Virgil Donovan	(D)	8,379
STATE SENATE, 15th District		
Irv Newhouse	(R)	9,237
J. Richard Golob	(D)	9,216
STATE REPRESENTATIVE, 15th District, Position 1		
Lyle Dickie	(R)	7,761
Margaret Rayburn	(D)	10,585
STATE REPRESENTATIVE, 15th District, Position 2		
Deloreus (Del) Bunnell	(R)	6,686
Forrest Baugher	(D)	11,165
STATE REPRESENTATIVE, 16th District, Position 1		
Peter T. Brooks	(R)	18,208
Virginia Devine	(D)	4,665
STATE REPRESENTATIVE, 16th District, Position 2		
Brad Fisher	(R)	10,816
Bill Grant	(D)	13,107
STATE REPRESENTATIVE, 17th District, Position 1		
Chuck Doney	(R)	6,554
Kim Peery	(D)	16,033
STATE REPRESENTATIVE, 17th District, Position 2		
Fred Doney	(R)	5,862
Dean Sutherland	(D)	16,719
STATE REPRESENTATIVE, 18th District, Position 1		
Linda A. Smith	(R)	12,539
David Cooper	(D)	11,321
STATE REPRESENTATIVE, 18th District, Position 2		
Bob Larimer	(R)	7,122
Joe Tanner	(D)	16,428

	STATE REPRESENTATIVE, District 19A	
Bob Williams	(R)	9,099
	STATE REPRESENTATIVE, District 19B	
Bob Basich	(D)	11,540
	STATE REPRESENTATIVE, 20th District, Position 1	
Neil Amondson	(R)	15,809
Beverly (Bev) Butters	(D)	13,721
	STATE REPRESENTATIVE, 20th District, Position 2	
Curt Pearce	(R)	14,048
Barbara Holm	(D)	15,158
	STATE REPRESENTATIVE, 24th District, Position 1	
Robert Riensche	(R)	12,176
Richard E. Fisch	(D)	17,111
	STATE REPRESENTATIVE, 24th District, Position 2	
Phillip C. Nisbet	(R)	9,094
Jim Hargrove	(D)	19,298
	STATE SENATE, 26th District	
Linda Craig Thomas	(R)	14,431
Bill Smitherman	(D)	15,993
	STATE REPRESENTATIVE, 26th District, Position 1	
Cathy Shaffer	(R)	13,479
Ron Meyers	(D)	15,016
Karen Allard	(L)	787
	STATE REPRESENTATIVE, 26th District, Position 2	
Bob Oke	(R)	13,907
Wes Pruitt	(D)	15,335
	STATE SENATE, 30th District	
Peter von Reichbauer	(R)	14,398
John Hale	(D)	11,681
	STATE REPRESENTATIVE, 30th District, Position 1	
Dick Schoon	(R)	15,092
Dee Rose	(D)	10,598
	STATE REPRESENTATIVE, 30th District, Position 2	
Jean Marie Brough	(R)	16,303
Lyle E. Daniel	(D)	9,329
	STATE SENATE, 31st District	
Frank J. Warnke	(D)	17,134
	STATE REPRESENTATIVE, 31st District, Position 1	
Henry Blair	(R)	8,213
Mike Todd	(D)	14,317
	STATE REPRESENTATIVE, 31st District, Position 2	
Dave Hess	(R)	8,719
Ernie Crane	(D)	13,423
	STATE SENATE, 35th District	
Wayne Estes	(R)	8,107
Brad Owen	(D)	19,150
	STATE REPRESENTATIVE, 35th District, Position 1	
Roger W. Oraker	(R)	7,156
Doug Sayan	(D)	19,917
	STATE REPRESENTATIVE, 35th District, Position 2	
Wesley E. (Wes) Johnson	(R)	11,509
Max Vekich, Jr.	(D)	16,040
	STATE REPRESENTATIVE, 40th District, Position 1	
Homer Lundquist	(R)	16,954
Harriet Spanel	(D)	17,212
	STATE REPRESENTATIVE, 40th District, Position 2	
Judy Menish	(R)	14,749
Patrick R. (Pat) McMullen	(D)	19,030
	STATE SENATE, 44th District	
Jeanine H. Long	(R)	13,933
Rick S. Bender	(D)	14,279

STATE REPRESENTATIVE, 44th District, Position 1		
George Dahlquist	(R)	12,600
Maria Cantwell	(D)	14,936
STATE REPRESENTATIVE, 44th District, Position 2		
Tracy Grayson	(R)	12,377
Paul King	(D)	15,105

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

(Seal)

RALPH MUNRO, Secretary of State

#### MOTION

At 10:06 a.m., on motion of Senator Vognild, the Senate recessed until 11:00 a.m.

#### SECOND MORNING SESSION

The Senate was called to order at 11:18 a.m. by President Cherberg.

#### MOTION

At 11:02 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 11:18 a.m. by President Cherberg.

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

#### INTRODUCTION AND FIRST READING

##### SB 5023 by Senator Moore

AN ACT Relating to revenue and taxation; amending RCW 82.03.130, 82.03.140, 82.03.180, 82.08.020, 82.04.230, 82.04.240, 82.04.250, 82.04.255, 82.04.270, 82.04.280, 82.04.290, and 84.52.043; reenacting and amending RCW 82.04.260; adding a new title to the Revised Code of Washington, to be numbered Title 82A RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Ways and Means.

##### SB 5024 by Senators Talmadge, Warnke, Smitherman and Moore

AN ACT Relating to the registration of contractors; and amending RCW 18.27.100.

Referred to Committee on Commerce and Labor.

##### SB 5025 by Senators Talmadge, Moore, Fleming, Halsan, Vognild and Kreidler

AN ACT Relating to gubernatorial appointments; and amending RCW 43.06.090 and 43.06.092.

Referred to Committee on Governmental Operations.

##### SB 5026 by Senators Talmadge, Rasmussen and Moore

AN ACT Relating to the department of justice; amending RCW 43.17.010, 43.17.020, 43.10.010, 9.94A.040, 9.94A.060, 43.43.010, 43.43.020, 43.101.020, 43.101.030, 43.101.040, 43.101.060, 72.09.140, and 72.09.150; and providing an effective date.

Referred to Committee on Governmental Operations.

##### SB 5027 by Senators Talmadge, Owen and Moore

AN ACT Relating to the department of state resources; amending RCW 43.17.010, 43.17.020, 43.01.010, 43.01.020, 43.30.020, 43.30.040, 43.30.050, 43.51.040, 43.51.045, 43.51.050, 43.51.060, 46.16.605, 75.08.011, 77.08.010, 77.12.170, 77.12.185, 77.12.210, 77.12.230, 77.12.240, 77.12.323, 77.12.380, 77.12.390, 77.21.040, 82.27.070, and 90.48.142; creating new sections; repealing RCW 43.12.010, 43.30.130, 43.51.020, 43.51.030, 43.51.061, 43.99.110, 75.08.014, 77.04.020, 77.04.030, 77.04.040, 77.04.060, 77.04.080, 77.04.090, 77.12.190, and 79.72.100; and providing an effective date.

Referred to Committee on Governmental Operations.

SB 5028 by Senators Talmadge and Moore

AN ACT Relating to the department of transportation; amending RCW 43.17.020, 47.01.041, 47.01.051, 47.01.061, 47.01.071, 47.01.101, 36.57A.070, 36.79.010, 36.79.120, 36.79-.130, 46.44.080, 46.44.090, 46.44.092, 46.44.095, 46.61.450, 46.68.030, 47.01.250, 47.01.280, 47.05.021, 47.05.030, 47.05.035, 47.05.040, 47.05.051, 47.05.055, 47.05.070, 47.10.790, 47.10.791, 47.10.802, 47.12.200, 47.12.220, 47.24.010, 47.24.020, 47.26.085, 47.26.270, 47.26.290, 47.26.400, 47.26.420, 47.26.440, 47.28.010, 47.28.170, 47.42.040, 47.42.045, 47.52.133, 47.52.145, 47.52.210, 47.56.030, 47.56.032, 47.56.070, 47.56.080, 47.56.110, 47.56.120, 47.56.240, 47.56.250, 47.56.380, 47.56.711, 47.56.741, 47.56.742, 47.56.743, 47.56.745, 47.58.030, 47.60.326, 47.60.330, 47.60.440, 47.60.450, 47.64.011, 47.64.170, 47.64.180, and 48.62.070; reenacting and amending RCW 47.10.801 and 47.60.150; creating a new section; and providing an effective date.

Referred to Committee on Governmental Operations.

SB 5029 by Senators Talmadge, McDermott and West

AN ACT Relating to state government; adding a new section to chapter 43.07 RCW; creating new sections; and providing an effective date.

Referred to Committee on Governmental Operations.

SB 5030 by Senator Talmadge

AN ACT Relating to pilotage examinations; and amending RCW 88.16.090.

Referred to Committee on Transportation.

SB 5031 by Senators Owen, Warnke, Gaspard, Tanner, DeJarnatt, Moore, Johnson and Garrett

AN ACT Relating to improper governmental action; and adding a new section to chapter 42.40 RCW.

Referred to Committee on Governmental Operations.

SB 5032 by Senators Owen and Kreidler

AN ACT Relating to antique slot machines; and amending RCW 9.46.235.

Referred to Committee on Commerce and Labor.

SB 5033 by Senators Halsan and Owen

AN ACT Relating to the uniform premarital agreement act; amending RCW 26.16.120; adding a new chapter to Title 26 RCW; and creating a new section.

Referred to Committee on Judiciary.

SB 5034 by Senators Garrett and Stratton

AN ACT Relating to the Model Traffic Ordinance; amending RCW 46.90.300 and 46.90.463; and declaring an emergency.

Referred to Committee on Transportation.

SB 5035 by Senators Kreidler, Warnke, Owen, Garrett, Zimmerman, Bluechel, Sellar and Stratton

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

Referred to Committee on Parks and Ecology.

SB 5036 by Senator Rasmussen

AN ACT Relating to surplus salmon eggs; and amending RCW 75.08.245.

Referred to Committee on Natural Resources.

SB 5037 by Senators Moore and Rasmussen

AN ACT Relating to utilities; amending RCW 35.92.050, 54.16.040, and 80.28.080; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SB 5038 by Senators Rasmussen and Garrett

AN ACT Relating to the prevention of food fish and shellfish pests; and amending RCW 75.08.285.

Referred to Committee on Natural Resources.

SB 5039 by Senators Conner and Garrett

AN ACT Relating to injured wildlife; amending RCW 77.16.020; and adding a new section to chapter 77.12 RCW.

Referred to Committee on Natural Resources.

SB 5040 by Senator Rasmussen

AN ACT Relating to the subdivision of land; amending RCW 58.17.060; and adding a new section to chapter 58.17 RCW.

Referred to Committee on Governmental Operations.

SB 5041 by Senators Moore and Tanner

AN ACT Relating to the deferral of special assessments and property taxes for senior citizens; and adding a new chapter to Title 84 RCW.

Referred to Committee on Ways and Means.

SB 5042 by Senator DeJarnatt

AN ACT Relating to write-in voting; and amending RCW 29.51.170.

Referred to Committee on Judiciary.

SB 5043 by Senators Anderson and Johnson

AN ACT Relating to hazardous waste; and amending RCW 70.105.005 and 70.105.010.

Referred to Committee on Parks and Ecology.

SB 5044 by Senators Anderson, Nelson, Johnson, Craswell, Kiskaddon and Peterson

AN ACT Relating to secondary sewage treatment; and amending RCW 70.146.050.

Referred to Committee on Parks and Ecology.

SB 5045 by Senators Talmadge and Newhouse

AN ACT Relating to elections; and amending RCW 29.30.075, 29.30.360, 29.36.070, 29.62.020, 29.64.010, 29.64.015, and 29.64.020.

Referred to Committee on Judiciary.

SB 5046 by Senators Bottiger, Metcalf, Moore and Rasmussen

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

Referred to Committee on Financial Institutions.

SB 5047 by Senators Rasmussen, Saling and Johnson

AN ACT Relating to special license plates; and adding a new section to chapter 46.16 RCW.

Referred to Committee on Transportation.

SB 5048 by Senators Vognild, Metcalf, Peterson, Johnson and Cantu

AN ACT Relating to voter registration; amending RCW 29.36.139; and adding a new section to chapter 29.10 RCW.

Referred to Committee on Judiciary.

SB 5049 by Senators Moore and Rasmussen

AN ACT Relating to Lake Yantis; and adding a new section to chapter 79.24 RCW.

Referred to Committee on Governmental Operations.

SB 5050 by Senators Vognild, Metcalf, Owen, Peterson and Rasmussen

AN ACT Relating to commercial salmon fishing; amending RCW 75.28.020 and 75.28-.030; adding a new section to chapter 75.10 RCW; and providing an effective date.

Referred to Committee on Natural Resources.

SB 5051 by Senators Moore, Smitherman and Tanner

AN ACT Relating to environmental excellence awards; and adding a new section to chapter 43.21C RCW.

Referred to Committee on Parks and Ecology.

SB 5052 by Senators Rasmussen and Wojahn

AN ACT Relating to motorcycle riders; and amending RCW 46.61.610.

Referred to Committee on Transportation.

SB 5053 by Senators Moore and Halsan

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

Referred to Committee on Commerce and Labor.

SB 5054 by Senators Garrett and Barr

AN ACT Relating to foreclosure proceedings; and amending RCW 84.64.080.

Referred to Committee on Judiciary.

SB 5055 by Senators Owen and Pullen

AN ACT Relating to leasing state lands for use by ham radio operators; and adding new sections to chapter 79.01 RCW.

Referred to Committee on Natural Resources.

SJR 8200 by Senators Talmadge, Moore, West and Stratton

Providing for the gubernatorial appointment of the state treasurer, insurance commissioner, superintendent of public instruction, attorney general, and commissioner of public lands.

Referred to Committee on Governmental Operations.

SJR 8201 by Senators Talmadge, Moore, Gaspard, Bender, Wojahn, Fleming, Kreidler and Garrett

Providing for special one-day sessions of the senate to confirm gubernatorial appointments.

Referred to Committee on Governmental Operations.

SJR 8202 by Senator Moore

Changing the number of legislators and the length of their terms.

Referred to Committee on Governmental Operations.

#### MOTION

At 11:21 a.m., on motion of Senator Vognild, the Senate recessed until 4:30 p.m.

#### AFTERNOON SESSION

The Senate was called to order at 4:30 p.m. by President Cherberg.

There being no objection, the President reverted the Senate to the first order of business.

#### REPORTS OF STANDING COMMITTEES

January 12, 1987

SB 5009 Prime Sponsor, Senator McDermott: Exempting outpatient dialysis facilities from property taxation. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Deccio, Kreidler, Lee, McDonald, Moore,

Owen, Rinehart, Saling, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

January 13, 1987

SB 5015 Prime Sponsor, Senator Halsan: Revising terminology regarding municipal courts. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Moore, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

January 13, 1987

SB 5016 Prime Sponsor, Senator Newhouse: Revising terminology resulting from the Rules of Appellate Procedure. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Moore, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

January 13, 1987

SB 5017 Prime Sponsor, Senator Talmadge: Revising terminology relating to district courts. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Moore, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

January 13, 1987

SB 5018 Prime Sponsor, Senator Halsan: Revising statutes superseded by court rule. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Moore, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

January 12, 1987

SB 5022 Prime Sponsor, Senator Tanner: Appropriating moneys for projects recommended by the public works board. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5022 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Cantu, Deccio, Hayner, Kreidler, Lee, McDonald, Owen, Rinehart, Saling, Talmadge, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

At 4:38 p.m., the Senate retired to the House Chambers for the purpose of a joint session.

#### JOINT SESSION

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

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

The Speaker presented the gavel to President Cherberg.

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

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

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

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

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

The President of the Senate introduced Governor Booth Gardner.

STATE OF THE STATE ADDRESS  
BY GOVERNOR BOOTH GARDNER \*

Governor Gardner: "Mr. President, Mr. Speaker, Mr. Chief Justice, distinguished Justices of the Supreme Court, members of the Legislature, honored elected officials and fellow citizens of Washington State. At 10:00 a.m., under overcast skies, on January 8, thirty people gathered on the second floor of a two-story wood frame building, off Interurban Drive in Everett, where a little-noted event took place of some significance to the many small businesses in this state who are trying to carve out a living. That morning the state announced the commencement of the Unified Business Identifier program for businesses registered to do business in the state of Washington. What that means simply is that instead of filling out fifty-five sheets of paper, they will now only fill out five. Instead of writing five checks, they only write one. Instead of coming to Olympia to file the papers, they can go to any of fifty offices throughout the state of Washington.

"That's more than just an indication of the state's desire to serve the public, it's another but important step to promote economic development in the state of Washington. That's our mission. Our mission is to help provide jobs for people and to take care of those who are unable to work while making sure that we maintain the unique environment which is so important to every one of us. It is a mission made more difficult by the world economy in which we live. That's where this talk begins today—a discussion of the economy in which we live, a discussion of this state's major tool for fighting and giving ourselves positions and a discussion of how we might pay for this with the unique twists in that discussion.

"We live in a world economy, as well as a national economy. We see factories leaving and we see products coming back more cheaply. We see high-paying jobs disappearing from mass production facilities. We see the shift to high-technology with lower wages and many people unprepared to accept those jobs. We see our welfare rolls in this state expanding without the ability to finance those rolls and pay for economic development at the same time. Already over one-half the money that we spend in this state goes for public education and the school-age population in this state is about to explode again—in a state which requires full funding of education. The growth in the elderly population is placing a tremendous strain on the state's finances. This is information that every one of you in this room could cite individually, but there are additional burdens on government which do not come to mind quite as quickly.

"First, the amount of money being cycled back to state by the federal government, with the exception of welfare money, has decreased by one-third. To put that in numbers, the federal government in recent years sent \$90 billion dollars back to the fifty states. That figure has now gone to \$60 billion dollars and declining, a significant impact on the states and more so on local governments in the areas of law enforcement and fire. The new tax reform at the federal level severely restricts the state's ability to finance capital improvements. In a recent court decision, just last year, it says that the federal government can force the state and local governments to comply with mandates regardless of the impact on state finances. Unfair? Sure it is, but those are the conditions in which everyone of us on this floor today find ourselves, and we have no choice but to cope.

"Because of this financial stress, governors and legislators become managers—more like a corporate environment than the traditional political environment. The

first thing you do when you are a manager is look at your economy. Without a healthy economy, you can't provide jobs for your people or care for those who cannot work. Government has a responsibility for the ingredients of a healthy economy. That means we have to do long-range planning built around economic development. We have to define objectives and the means for determining those objectives. For example, we must plan affordable, high-quality health care for the people of this state and we must begin to address the problem of the growing numbers of people who do not have health insurance. We must continue our commitment to the future generations that they will have clean water. We need to act this year on the major recommendations of the Puget Sound Water Quality Authority.

"Every one of us in this room knows that one way or another we pay for poverty. We are addressing that problem in this state through a bold and creative welfare reform program. The heart of that program is getting rid of the disincentives for people to go back to work. Right now it sometimes costs people more money to go back to work than to stay home and collect welfare. That's just not right. Our goal is for people to be better off working than they are staying at home.

"Now, it's no accident or political whim that education is the top priority for the coming session. The people of this state have always known the importance of education. They knew that importance in 1889 when they adopted the Constitution of this state because Article IX says, 'The paramount duty of this state will be to provide education'—the strongest language of any Constitution of any state in this country. They knew the importance of it in 1895 when the Legislature adopted the John Rogers Barefoot Schoolboy Act, which became a national standard for state educational funding. The people of this state knew it in 1972 when Washington became the first state in this country to pass the Education For All Act providing education for handicapped children. They knew it in 1977 when the Legislature passed the Basic Education Act.

"The same holds today in 1987. Our standard of living, our quality of life and our status as a leader in this world all depend on our ability to meet the dramatic challenges faced by the changing world economy. Washington State is not the first state to come to this realization. In Tennessee, ten percent of the jobs were drying up each year, meaning 200,000 people were looking for work every twelve months. Facing that problem, a Republican Governor said, 'It becomes obvious to me that growing and keeping jobs meant having good skills, so the first thing we did was focus on better schools.' In Massachusetts, a Democratic Governor said, 'We found ourselves in the pits in the '70s; we were so busy doing all kinds of other things that we kind of forgot that the economic strength and vitality of the state was fundamental to everything else we wanted to do.' Their first priority included a heavy investment in state-supported schools. From there, they turned to the usual economic development tools of industrial revenue bonds, export assistance loans, and what have you, so there is a precedent.

"What about this state? Let's begin with higher education. In this state, we have not kept pace. Why? Because in the last ten years, only eight states in this country have committed a smaller percentage of their resources to higher education than we have. Our salaries, and our equipment, and our libraries have not kept pace, and the buildings themselves are falling into a serious state of disrepair. In our community colleges this year, we are going to launch a major effort to improve adult literacy. Why? Because there are more than 270,000 individuals in this state who are functionally illiterate. That means they can't read stop signs and they can't read simple directions on a TV dinner. They have trouble holding jobs. Higher education in this state used to represent over twenty percent of the state's general fund budget. It now represents fifteen percent and if we don't step up to the problem, that percentage will continue to decrease. By some measurements, such as test scores, Washington's K-12 system is doing well, but just like the rest of the nation, the proficiency of many of our students has fallen behind that of students in those countries that compete against us for economic livelihood.

"Other measurements bring us more disturbing results. One out of every four students who enters high school this year will drop out without graduating. If you want a translation for that, it's this, more than sixty percent of our prison inmates are high school dropouts. The abuse of drugs and alcohol in high schools, even in

junior highs and grade schools, is startling. Because we have not addressed these concerns at their source, it dictates how we spend our money in this state. It means we spend money on prisons and welfare instead of education and economic development. I don't think there's one of us that doesn't recognize that the best way to deal with welfare and crime is to attack the problem at its root source. There are nearly 200,000 children living at or below poverty in the state of Washington. A baby whose mother can't afford medical care or adequate food is deprived of the chance for equal opportunity long before reaching the schoolhouse door. Children whose parents can't read or write face insurmountable barriers and there's nothing natural about the progression from grade school to high school to college, so the cycle of poverty continues.

"This year, it is time to break the poverty cycle and we can do that by investing in early childhood education, in Project Even Start, which helps parents understand a little about what their children will be learning in school and other carefully defined programs. It should be a simple decision. It may cost us \$3,000 a child, but when you consider that the average cost to care for an adult can run as high as \$25,000 in our prisons and other institutions, it seems to me that we ought to pay now instead of paying later.

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

"Which brings me to the last part of this speech. I'm going to talk about the issue of paying for excellence. We have designed a revenue proposal which was based on four objectives: raising money for education, promoting economic development, helping local governments meet their critical needs, and broadening the tax base, so we can avoid a recurrence of the financial problems which created the problems we are attempting to solve this session.

"Every one of us knows that we have one-hundred and five days to discuss taxes, so let me take the few minutes that are left and discuss those questions which are on the public's mind. I know, because I hear them all the time. The first one: The state doesn't have a funding problem, it has a spending problem. Let's talk about that. Frankly, we have both. We have a funding problem and a spending problem, because the spending in this state is dictated to us based on the basic needs of this state. Let's be specific. Ninety percent, approximately, of the state's general fund money goes in two directions. It goes for education and human services, for enrollment and caseloads. We know that approximately fifty percent goes for K-12 education and we have designed a program to deal with that. The next fifty percent goes for higher education and that system is in a world of hurt and we are going to stand up to that this session.

"Let's be very honest with ourselves. When we talk about spending reform, we're talking about human services. In a few minutes, I will discuss one area where we are going to take a look at where we can be more effective. In the aggregate, there are some good arguments that we are not meeting the needs of human service at this juncture. I honestly don't know many people who sleep well every night knowing there are others out there going without such basic needs as medical care. I'm just here to tell you very candidly that this state will not turn its back any more on those who need help. At the same time, through welfare reform, through job training, day care and literacy programs, we will do every thing we can to help people integrate back as contributing members of this society.

"The second thing we always hear: Why don't we live within our means? We can live within our means. We can run state government exactly as it is being run

today, we won't be able to make any instrumental investments in anything and we will continue to slide toward mediocrity, but we can live within our means. Let me use a business analogy with you. In business, when times are tough, you don't squirrel your money away. You invest in product improvement and you hold your market position so that you can get increased market share when the economy turns. It's no different at the state level. We need to get positioned, to make an investment and have that investment working for us.

"Now the third thing we always hear: Let's cut waste in government. That is right and we are working at that in two fronts at least, small gains and big gains. The most direct means of finding waste and inefficiency is through our employees and through the Productivity Board Program. Our employees this year alone have identified \$1.5 million in savings, simple little savings. Some people at the Department of Transportation figured out a better way to make highway transportation maps and saved the state over \$200,000. Two ladies in the Department of Ecology mail room saved \$12,000 when they figured a better way to do their business and took on a twenty percent workload increase at the same time. Small examples, but important examples and there are many, many more just like that. Every one of us knows that the biggest savings come from the top, from new legislation and major management initiatives such as you enacted last time which allowed us to take a \$225 million deficit in industrial insurance bonds and move that fund to a surplus which it has today.

"We need to continue these opportunities. The Attorney General and I have joined forces to improve the state's ability to avoid costly court judgments. Potential savings--millions. The Department of Social and Health Services is revising a major welfare program to make sure that dollars intended for food and shelter don't end up being spent for alcohol. Potential savings--millions. We will continue this vigilance of attacking waste in every way that we can. We are going to initiate a program shortly, borrowed from the state of Minnesota, called STEP, which means, simply, Strive Toward Excellence in Performance. We are currently modifying this program for our own use and plan to have it in place soon.

"The discussion of the past few minutes was intentional. We can spend the next one-hundred and five days making excuses or we can face up to the responsibility for which we were elected, which is to maintain the standard of living in this state in the highly competitive world in which we live, to stop dead in its tracks the growth of a permanent underclass, which is to make an investment in our future to assure that this state has an outstanding educational system.

"As we enter 1987, I'm reminded that twenty-five years ago the city of Seattle hosted a World's Fair that many thought would bankrupt the city of Seattle. 'Seattle couldn't afford it,' we heard. 'Let somebody else take the risks,' critics said. Well, the critics were wrong. The people of Seattle took that risk and they tackled a task which must have seemed overwhelming at the time. I offer that example as a symbol of what we can accomplish when we put our minds, our hearts and our resources together and we work for a common good.

"In two short years this state will celebrate its one-hundredth anniversary. I'd like it to be said, at that time, that Washington is truly preparing itself for the second one-hundred years--economically, educationally and environmentally. I want it said that the Legislature, all of us in state government and throughout this state, have agreed that education is the key to the success of the Twenty-First Century, and we've done something about that. I want it said that we've had the foresight to invest real money in education in the confident hope of a long-term payoff. I want it said that we, in this state, are a national leader in providing for people in need. Not simply a handout which offers no hope, but a hand up that provides real opportunity for education, training and economic independence.

"Now, in closing, someday every one of us on this floor will be gone. I don't know what you want to leave behind you, but I'll tell you what I would like to leave behind. When I am gone, I would rather leave the children of this state an opportunity for a good education than anything else I can think of.

"And finally, Mr. Jones, whoever you are, you called me on one of the many talk shows I've been on and you read me the riot act for wanting to spend money on education and you said, 'Give me the answer in your state of the state address.' Here's your answer Mr. Jones, 'If you think education is expensive, try ignorance.'"

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

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

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

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

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

The Speaker instructed the committee to escort President of the Senate John A. Cherberg, President Pro Tempore A. L. "Slim" Rasmussen, Democratic Leader R. Ted Bottiger and Republican Leader Jeannette Hayner from the House Chambers.

The Speaker instructed the Sergeant at Arms of the House and Senate to escort the Senators from the House Chambers.

The President called the Senate to order at 5:34 p.m.

#### MOTION

At 5:34 p.m., on motion of Senator Vognild, the Senate adjourned until 11:00 a.m., Wednesday, January 14, 1987.

JOHN A. CHERBERG, President of the Senate.  
SID SNYDER, Secretary of the Senate.

**THIRD DAY****MORNING SESSION**

Senate Chamber, Olympia, Wednesday, January 14, 1987

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Craswell, McCaslin, McDonald, Peterson and Pullen. On motion of Senator Zimmerman, Senators Craswell, McCaslin, McDonald and Pullen were excused. On motion of Senator Bender, Senator Peterson was excused.

The Sergeant at Arms Color Guard, consisting of Pages Roseanne Carlson and Jeni Copp presented the Colors. Reverend Lee Forstrum, pastor of the Westwood Baptist Church of Olympia, offered the prayer.

**MOTION**

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

**MESSAGE FROM GOVERNOR GARDNER  
COMMUTATIONS OF SENTENCES**

Office of the Governor, January 12, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

In compliance with the provision of Section 11 of Article III of the Constitution of the state of Washington, the Governor hereby submits his report of each case of reprieve, commutation or pardon that he has granted since the adjournment of the 1986 First Special Session of the Forty-Ninth Legislature, copies of which are attached.

Respectfully submitted,

TERRY SEBRING, Legal Counsel to the Governor

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

Norman Louis Holt entered a plea of guilty and was found guilty of carnal knowledge of a female child under the age of eighteen years on May 13, 1949, by the Superior Court of the state of Washington for the County of Stevens, and was sentenced to prison for fifteen years. He served his sentence at the Washington State Reformatory from May 27, 1949, and was paroled on December 11, 1950; he successfully completed his parole supervision on May 5, 1952. Mr. Holt has had no subsequent convictions of the criminal law.

Mr. Holt has served approximately ten years as a Spokane Tribal police officer until it was learned his felony conviction served as a disqualification from possession of a firearm which is necessary to fulfill his official responsibilities.

Section 1202 of Title 18 of the United States Code prohibits convicted felons from possessing any firearm unless that person shall receive a pardon together with an expressed authorization to receive, possess, or transport firearms.

NOW, THEREFORE, I, Booth Gardner, Governor of the state of Washington, do hereby pardon Norman Louis Holt from that judgment and sentence of carnal knowledge of a female child under the age of eighteen years entered on May 13, 1949, by the Superior Court of Stevens County, Washington, and do hereby authorize Norman Louis Holt to receive, possess, or transport firearms.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington, to be affixed at Olympia on this this nineteenth day of December, A.D., nineteen hundred and eighty-six.

BOOTH GARDNER, Governor

(Seal)

By the Governor:  
RALPH MUNRO, Secretary of State

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

Norman W. J. Taylor, a Canadian citizen, plead guilty and was found guilty of the crime of burglary in the second degree on April 15, 1963, by the Superior Court of the state of Washington for Skagit County, he was sixteen years old at the time, and he was placed on probation for three years in order to pay restitution of \$75.25 and court costs of \$19.20. An order of dismissal was entered by the court on November 12, 1965.

Mr. Taylor has been a police officer in Vancouver, British Columbia, for twelve years and is requesting a pardon so he will not be at a disadvantage if considered for promotional opportunities.

Mr. Taylor served in the United States Marine Corps from March 11, 1968, until March 10, 1971, including service in Vietnam. He received an honorable discharge. Mr. Taylor has had no subsequent convictions of the criminal law and resides in Langley, British Columbia, Canada.

NOW, THEREFORE, I, Booth Gardner, Governor of the state of Washington, do hereby pardon Norman W. J. Taylor from that judgment and sentence of second degree burglary entered April 15, 1963, by the Superior Court of the Skagit County, Washington.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington, to be affixed at Olympia on this this nineteenth day of December, A.D., nineteen hundred and eighty-six.

BOOTH GARDNER, Governor

(Seal)

By the Governor:  
RALPH MUNRO, Secretary of State

MESSAGE FROM SECRETARY OF STATE

January 12, 1987

The Honorable,  
President of the Senate  
The Legislature of the State of Washington  
Olympia, Washington  
Mr. President:

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

Accordingly, pursuant to the provisions of Article 2, section 1 of the State Constitution, we are provisionally certifying Initiative to the Legislature number 92 to you at this time. We expect to complete the random sample verification of signatures no later than January 20, 1987, and we will provide the Legislature with a final certification as soon as possible thereafter.

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

(Seal)

RALPH MUNRO, Secretary of State

## INITIATIVE MEASURE NO. 92

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

NEW SECTION. Sec. 1. A new section is added to chapter 19.86 RCW to read as follows:

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

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

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

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

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

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

NEW SECTION. Sec. 2. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

INITIATIVE MEASURE NO. 92 was referred to the Committee on Ways and Means.

## FURTHER MESSAGES FROM SECRETARY OF STATE

The Honorable,  
President of the Senate  
The Legislature of the State of Washington  
Olympia, Washington  
Mr. President:

We respectfully transmit for your consideration Second Substitute Senate Bill No. 3110, which has been vetoed by the Governor, together with the veto message of the Governor setting forth his objections to the bill as required by Article III, section 12, of the Washington State Constitution.

IN TESTIMONY WHEREOF, I have set my my hand and affixed the Seal of the state of Washington at Olympia on this this twelfth day of January, 1987.

(Seal)

RALPH MUNRO, Secretary of State

The Honorable,  
President of the Senate  
The Legislature of the State of Washington  
Olympia, Washington  
Mr. President:

We respectfully transmit for your consideration the following bills which have been partially vetoed by the Governor, together with the respective veto messages of the Governor setting forth his objections to the sections or items of each of the bills as required by Article III, section 12, of the Washington State Constitution:

SUBSTITUTE SENATE BILL NO. 5044, the effective portion of which has been designated Chapter 203, Laws of 1986;

SENATE BILL NO. 4506, the effective portion of which has been designated Chapter 273, Laws of 1986;

SUBSTITUTE SENATE BILL NO. 4596, the effective portion of which has been designated Chapter 274, Laws of 1986;

SENATE BILL NO. 4712, the effective portion of which has been designated Chapter 275, Laws of 1986;

SUBSTITUTE SENATE BILL NO. 4486, the effective portion of which has been designated Chapter 278, Laws of 1986;

SUBSTITUTE SENATE BILL NO. 4917, the effective portion of which has been designated Chapter 279, Laws of 1986;

SENATE BILL NO. 4675, the effective portion of which has been designated Chapter 280, Laws of 1986;

SUBSTITUTE SENATE BILL NO. 4815, the effective portion of which has been designated Chapter 291, Laws of 1986;

SUBSTITUTE SENATE BILL NO. 4572, the effective portion of which has been designated Chapter 292, Laws of 1986;

SENATE BILL NO. 4691, the effective portion of which has been designated Chapter 293, Laws of 1986;

SUBSTITUTE SENATE BILL NO. 4590, the effective portion of which has been designated Chapter 294, Laws of 1986;

SENATE BILL NO. 4725, the effective portion of which has been designated Chapter 295, Laws of 1986;

SENATE BILL NO. 3636, the effective portion of which has been designated Chapter 296, Laws of 1986;

SUBSTITUTE SENATE BILL NO. 4790, the effective portion of which has been designated Chapter 297, Laws of 1986;

SECOND SUBSTITUTE SENATE BILL NO. 4626, the effective portion of which has been designated Chapter 298, Laws of 1986;

SUBSTITUTE SENATE BILL NO. 4762, the effective portion of which has been designated Chapter 312, Laws of 1986;

SUBSTITUTE SENATE BILL NO. 4418, the effective portion of which has been designated Chapter 316, Laws of 1986;

SUBSTITUTE SENATE BILL NO. 3182, the effective portion of which has been designated Chapter 317, Laws of 1986;

SENATE BILL NO. 3397, the effective portion of which has been designated Chapter 318, Laws of 1986;

SENATE BILL NO. 4705, the effective portion of which has been designated Chapter 319, Laws of 1986;

SENATE BILL NO. 4620, the effective portion of which has been designated Chapter 320, Laws of 1986;

SUBSTITUTE SENATE BILL NO. 4627, the effective portion of which has been designated Chapter 321, Laws of 1986;

SUBSTITUTE SENATE BILL NO. 4305, the effective portion of which has been designated Chapter 322, Laws of 1986;

SUBSTITUTE SENATE BILL NO. 4525, the effective portion of which has been designated Chapter 323, Laws of 1986;

SUBSTITUTE SENATE BILL NO. 4779, the effective portion of which has been designated Chapter 324, Laws of 1986;

SECOND SUBSTITUTE SENATE BILL NO. 3487, the effective portion of which has been designated Chapter 325, Laws of 1986.

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

(Seal)

RALPH MUNRO, Secretary of State

MESSAGES FROM THE GOVERNOR  
VETOES AND PARTIAL VETOES

April 4, 1986

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval, Second Substitute Senate Bill No. 3110, entitled:

"AN ACT Relating to business and occupation taxation."

This legislation would allow the owners of amusement devices to deduct the amounts paid to persons providing store space from the owners' gross receipts. Proponents argue that this part of the income being generated by the devices is being taxed twice under current law, once as income to the owner, and again as income to the store.

The arguments supporting this exemption are not unique to the amusement device industry; they are typical of the problems with any system of gross receipts taxation and do not justify special tax treatment. Costs of doing business are generally not deducted from gross income. There are anti-pyramiding deductions for certain activities which are jointly provided or are provided through an agent/principal arrangement. However, businesses are not allowed to deduct rental payments for the rental of real property. The legislation obscures what are two separate and taxable activities: first, the generation of income to the owner from the devices, and second, the compensation to the premise owner for the license to use real property.

In vetoing this legislation, I want to emphasize the fact that the B&O tax is inherently an unfair tax, and to address its specific shortcomings on a piecemeal basis does little to offset its basic inequities. A comprehensive evaluation and restructuring of our business tax structure is a far more desirable means of addressing this issue.

Second Substitute Senate Bill No. 3110 is vetoed in its entirety.

Respectfully submitted,  
BOOTH GARDNER, Governor

Referred to Committee on Rules.

April 1, 1986

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 23, Substitute Senate Bill No. 5044, entitled:

"AN ACT Relating to the Department of Agriculture."

I am vetoing section 23 because of duplicate language contained in section 1 of Substitute House Bill No. 1355.

With the exception of section 23, the remainder of Substitute Senate Bill No. 5044 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

Referred to Committee on Rules.

April 3, 1986

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. 4506, entitled:

"AN ACT Relating to the state board of health."

Section 1 of this bill would require the Office of Financial Management to conduct a study of the feasibility of consolidating public health and environmental health functions into a single state agency. An extensive study of this issue has already been completed, conducted by a joint committee of the Legislature. Another study of this same topic is unnecessary and would be duplicative. I have, however, directed my Executive Cabinet to review these programs and to develop a plan for a more efficient and effective alignment of public health and environmental health services.

For this reason, I have vetoed this section. With the exception of section 1, Senate Bill No. 4506 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

Referred to Committee on Rules.

April 3, 1986

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 8, Substitute Senate Bill No. 4596, entitled:

"AN ACT Relating to community health services."

Section 8 of this bill requires that the Department of Social and Health Services undertake a study of possible reorganization of the department. The Secretary of Social and Health Services has been actively evaluating agency reorganization for some time, and a great deal has already been accomplished in this effort. Also, the Secretary is available to the Legislature at any time to review the reorganization plans and receive feedback. Therefore, this study requirement is unnecessary and would be duplicative of the work already in progress. For this reason, I have vetoed section 8.

With the exception of section 8, Substitute Senate Bill No. 4596 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

Referred to Committee on Rules.

April 3, 1986

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 2, Senate Bill No. 4712, entitled:

"AN ACT Relating to public records; amending RCW 40.14.020; adding a new section to Chapter 40.14 RCW; and making an appropriation."

This bill would establish a new program to record and document the experience of former state officials. In addition, a new statutory advisory committee would be created.

I have vetoed section 2 which creates a new statutory advisory committee. After reviewing this matter, I find that the purposes and functions of this bill can be fulfilled without creating, in statute, an additional advisory body.

With the exception of section 2, Senate Bill No. 4712 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

Referred to Committee on Rules.

April 3, 1986

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 46(43), Substitute Senate Bill No. 4486, entitled:

"AN ACT Relating to local government."

I am vetoing section 46(43) because it would repeal a section of an existing law (RCW 85.20.120) that is also amended by section 36 of this bill.

With the exception of section 46(43), the remainder of Substitute Senate Bill No. 4486 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

Referred to Committee on Rules.

April 3, 1986

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 55, 56 and 57, Engrossed Substitute Senate Bill No. 4917, entitled:

"AN ACT Relating to banks and trust companies."

Engrossed Substitute Senate Bill No. 4917 makes certain necessary modernization and housekeeping amendments to Title 30, RCW, dealing with commercial banks. It enables the state's banking code to keep pace with a rapidly changing banking environment.

While I support the intent and main substance of Engrossed Substitute Senate Bill 4917, I must take exception to sections 55, 56 and 57. These sections would require the Department of General Administration's Division of Banking to provide the Legislature with a listing of financial institutions that are designated on a "watch list" by either the Federal Reserve System or the U.S. Comptroller of the Currency.

These provisions are imprudent and their enactment would have a substantially adverse effect on the Division of Banking's ability to supervise the banks that are subject to its jurisdiction and could cause significant harm to individual institutions.

First of all, according to the state Division of Banking, neither the Federal Reserve System nor the Comptroller of the Currency maintains anything call a "watch list" as referenced in section 56. The various regulatory agencies differentiate the degree of supervisory concern among the banks they supervise based on a number of factors. Thus, the federal information referenced as a "watch list" is ambiguous.

Moreover, proposed sections 55, 56 and 57 would undercut the essential cooperation needed between federal and state bank regulatory agencies with the onset of interstate banking and a rapidly-changing banking industry. The state's Division of Banking relies on the information it receives from the federal regulatory agencies on the basis of strict confidentiality. Without this confidentiality, which would be the effect of proposed sections 55, 56 and 57, the federal agencies would undoubtedly stop sharing bank regulatory information with the state.

Finally, one of the goals of our bank regulatory system is to closely supervise those institutions that are experiencing difficulty in order to restore their soundness and avert their closure. To make public any listing of financial institutions which may be experiencing difficulties would greatly, and perhaps needlessly, undermine public confidence in those institutions. Such an erosion of public confidence would undoubtedly cause some depositors to withdraw their funds, thereby exacerbating the bank's difficulties. This would be an unintended effect of sections 55, 56 and 57.

Therefore, with the exception of sections 55, 56 and 57, Engrossed Substitute Senate Bill No. 4917 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

Referred to Committee on Rules.

April 3, 1986

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to the second sentence of section 2, Senate Bill No. 4675, entitled:

"AN ACT Relating to motor vehicle license plates."

Senate Bill No. 4675 would authorize the Director of the Department of Licensing to develop and issue a new centennial motor vehicle plate.

Section 2 permits a fleet of motor vehicles to apply for consecutive centennial license plates if they are available. The second sentence of this section defines a fleet of motor vehicles as a group of five or more vehicles registered in the same name and whose owner has been assigned a fleet identifier code by the Department. Currently, a fleet is defined as fifteen or more vehicles by administrative rule. Decreasing the number of vehicles in a fleet will create a significantly increased workload for the Department and the County Auditors, particularly because all fleet vehicles must be registered in December of each year and no funds were provided for the increased workload.

With the exception of the second sentence of section 2, Senate Bill No. 4675 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

Referred to Committee on Rules.

April 4, 1986

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to a portion of section 1, Substitute Senate Bill No. 4815, entitled:

"AN ACT Relating to appropriations for projects recommended by the Public Works Board."

Substitute Senate Bill No. 4815 appropriated \$17,052,093 to the Public Works Board from the Public Works Assistance Account for specific public works projects.

A proviso was attached to section 1 (page 1, lines 9 through 15) that prohibits public works loans from being made by the Public Works Board for projects in jurisdictions where the public utility tax, imposed by RCW 82.16.020, on refuse haulers cannot be passed through to the individuals who receive the service.

I have vetoed this proviso for two reasons. First, if the proviso is enacted, those jurisdictions that prohibit the pass-through could not receive the needed project loans as they have anticipated. The funds are available and should be distributed as planned so that the effected jurisdictions can initiate their construction projects in a timely manner. Further, the public utility tax imposed on refuse haulers has been replaced with a business and occupation tax and a retail sales tax with my approval of Substitute House Bill No. 1447, making this proviso ineffective and unnecessary. For this reason, I have vetoed the proviso in section 1 (page 1, lines 9 through 15).

With the exception of the section 1 proviso located on page 1, lines 9 through 15, Substitute Senate Bill No. 4815 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

Referred to Committee on Rules.

April 4, 1986

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to one portion, Substitute Senate Bill No. 4572, entitled:

"AN ACT Relating to shoreline management."

Section 1(3)(e)(vii) of this bill, on page 5, lines 22 through 26, would increase from \$2,500 to \$6,500 the value of shoreline docks exempted from the permit requirement of the Shoreline Management Act.

One of the purposes of the Shoreline Management Act is to provide public review of proposed substantial developments on the state's shorelines. By requiring a permit for any proposed substantial development, as defined in the Act, the public is afforded an opportunity to be notified of any substantial development and to comment on its consistency with the goals, policies and regulations of the local master program and of the Shoreline Management Act.

The change proposed to the definition in section 1(3)(e)(vii) would provide a blanket exemption from the permit and public review process for any dock with a value of up to \$6,500. Since docks of this value can have a substantial impact on the environment, create neighborhood conflicts and interfere with navigation, I do not believe such an exemption from the process is appropriate. I am therefore vetoing this portion of Substitute Senate Bill No. 4572.

With the exception of section 1(3)(e)(vii), Substitute Senate Bill No. 4572 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

Referred to Committee on Rules.

April 4, 1986

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 2, Senate Bill No. 4691, entitled:  
"AN ACT Relating to the definition of child for industrial insurance purposes."

Section 2 of this bill would create a Chiropractic Advisory Committee to assist the Director of Labor and Industries. Boards, commissions, committees, task forces and similar entities have proliferated in this state, now numbering over 400 such bodies.

State agencies, moreover, generally have the authority to create ad hoc advisory groups as the need arises. This authority makes it unnecessary to create advisory boards in statute.

A Chiropractic Advisory Board to advise the Department of Labor and Industries already exists, created by the department by rule. The committee proposed in this legislation would expire on June 30, 1987; the existing committee can -- and probably should -- continue past that date. Furthermore, the existing committee can undertake the tasks specified in section 2 of this bill.

For these reasons, I have vetoed section 2.

With the exception of section 2, Senate Bill No. 4691 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

Referred to Committee on Rules.

April 4, 1986

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 10 and a portion of section 6, Substitute Senate Bill 4590, entitled:

"AN ACT Relating to local government."

I fully support the intent of this legislation. It will provide local governments an additional opportunity to maximize the yield on their investments as well as provide the increased protection for public funds. However, language contained in section 10 would unduly restrict local governments' investment options. The repurchase agreement is a valuable cash management tool, the use of which should not be restricted without a corresponding benefit to local governments. The intent of section 10 would appear to be to require the delivery of securities to control of the local entity. However, failure to define the term "agent" renders this section meaningless and extraneous to the legislation. Therefore, I am vetoing section 10.

The last portion of section 6 after the word "Provided" is vetoed. This language conflicts with provisions of section 14 and would create confusion in the administration of the Act.

With the exception of a portion of section 6 and all of section 10, Substitute Senate Bill 4590 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

Referred to Committee on Rules.

April 4, 1986

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 5, Engrossed Senate Bill No. 4725, entitled:

"AN ACT Relating to accountancy."

The intent of the new language in section 5 is to create a new fund in the state treasury for receipt of all fees collected by the Board of Accountancy. Unfortunately, the new account is not properly created. Additionally, there is no appropriation from the new account. If this language is not vetoed, all the fees which currently go into the Certified Public Accountant Examination Account would be diverted to the new account. Because the account is improperly created and there is no appropriation, failure to veto this section would leave the Board without operating funds. For these reasons, I am vetoing section 5.

With the exception of section 5, Engrossed Senate Bill No. 4725 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

Referred to Committee on Rules.

April 4, 1986

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 6, Engrossed Senate Bill No. 3636, entitled:

"AN ACT Relating to insurance."

This legislation accomplishes two things: it equalizes the premium tax rates between domestic and foreign insurers, and it provides a mechanism so that the Office of the Insurance Commissioner is funded by fees collected from the entities regulated by the Commissioner.

Section 6 states the purpose for imposing the fees is to "increase and improve the staff of the insurance commissioner." While it is certainly a top priority to ensure that the Commissioner has increased staff to properly regulate insurance companies in this time of increasing rates, the move to self-fund the office was not solely for the purposes stated in section 6. The funds provided by the fees imposed on commercial insurers, health care service contractors and health maintenance organizations will be the sole basis of funding the existing staff as well as any new staff authorized by the Legislature. For this reason, I have vetoed section 6 of Engrossed Senate Bill No. 3636.

With the exception of section 6, Engrossed Senate Bill No. 3636 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

Referred to Committee on Rules.

April 4, 1986

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to one portion, Engrossed Substitute Senate Bill No. 4790, entitled:

"AN ACT Relating to sludge."

The last sentence of this bill requires the Department of Ecology to submit a report to the Legislature by January 1, 1987, regarding its implementation of "this chapter."

Although it appears that the intent of this language is to require a report on the implementation of this bill, the language legally requires a report on the entire Solid Waste Management chapter of the State Code.

To avoid any confusion, I have vetoed this sentence and have directed the Department to report to the Legislature by next January 1, regarding implementation of the bill.

With the exception of this sentence, Engrossed Substitute Senate Bill No. 4790 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

Referred to Committee on Rules.

April 4, 1986

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 4 and 12, Engrossed Second Substitute Senate Bill No. 4626, entitled:

"AN ACT Relating to the housing trust fund; and adding a new chapter to Title 43 RCW."

Section 4 of the bill allocates funds from the Housing Trust Fund to the Department of Community Development to administer the act. Until a financing source is established, the act is merely a statement of intent without fiscal impact. I am vetoing this section because the allocation of funds is premature.

The advisory committee established in section 12 is no longer appropriate to the legislation as passed. The composition of the advisory committee should be based on the selection of the source of funding for the trust fund and the affected parties. Once the sources of funding are determined, an advisory committee representing those sources should be established.

While I am vetoing section 12, I will request the Director of the Department of Community Development to work with the appropriate committees of the Legislature in their efforts to evaluate emerging low-income housing needs and potential sources of revenue for the Housing Trust Fund.

With the exception of sections 4 and 12, Engrossed Second Substitute Senate Bill No. 4626 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

Referred to Committee on Rules.

April 4, 1986

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 103(6), 201(2)(f), 206(5), 207(1), 209(2), 211(9) and 701(2), Engrossed Substitute Senate Bill No. 4762 entitled:

"AN ACT Relating to fiscal matters."

The provisions I have vetoed and the reasons therefore are as follows:

Sections 103(6), 206(5) and 209(2) place significant and specific unfunded study requirements on various agencies. While each of the study topics warrant investigation, it is unreasonable to mandate such significant efforts without consideration of costs.

Section 201(2)(f) provides funds to reopen Firlands Correction Center. Firlands was closed as a result of programmatic and fiscal considerations which have not changed. The funds provided are insufficient to cover the cost of operating the facility in accordance with state standards.

Section 207(1) would prohibit responsible action by the Department of Social and Health Services to prevent the spread of AIDS.

Section 211(9) provides state General Fund monies to reimburse local fire districts for fire fighting services rendered on Department of Game lands. While I support reimbursement of local fire districts for services provided to state agencies, this cost is properly an obligation of the Department of Game and its dedicated funds. Financial segregation of Game Department activities should be continued until the Department is brought under executive control and a thorough review of its finances and programs indicates General Fund supplementation is appropriate.

Section 701(2) provides that monies from an existing appropriation to the Emergency Fund may be spent for law enforcement and social service problems arising from Expo '86. If the problems addressed by section 701(2) constitute an emergency, I will consider an allocation from the Emergency Fund. Otherwise, the Legislature should provide for these needs with a direct appropriation rather than limiting my ability to meet critical needs in state government.

In addition to the explanation of these vetoes, a comment is necessary regarding section 812. This section of the supplemental budget provides \$210,000 from the General Fund and \$210,000 in federal Game Funds for the purposes of rehabilitation work on the Barnaby Slough steelhead rearing pond. State funding for this project was terminated in 1981. The people of Skagit County have undertaken tremendous volunteer efforts to keep this project going and to preserve the steelhead resources of the area. Countless hours of labor and approximately \$10,000 has been donated toward the operation of Barnaby Slough. It is only because of this impressive community effort that I am approving this provision. My decision to allow use of General Fund monies for this project should not be considered a precedent for any future General Fund support of the Game Department. The Department and the Commission should understand that access to these taxpayer funds will require the highest level of public accountability. The Department cannot have it both ways. If it wants to remain free of executive oversight, it should not have access to general taxpayer funds. The public has a proper right to far greater oversight of an agency to which its general tax dollars are allocated.

With the exception of sections 103(6), 201(2)(f), 206(5), 207(1), 209(2), 211(9) and 701(2), Engrossed Senate Substitute Bill No. 4762 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

Referred to Committee on Rules.

April 4, 1986

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 2(2), Substitute Senate Bill No. 4418, entitled:

"AN ACT Relating to irrigation."

Substitute Senate Bill No. 4418 is an important piece of legislation that maintains the state's strong commitment to the timely completion of the Yakima irrigation enhancement project. The work on the Yakima project should proceed as called for in the bill.

The legislation also restates the Department of Agriculture's legitimate role as an advocate of water resources projects needed to help meet future agricultural water needs, and seeks to preserve the state's option to participate in the second half of a feasible Columbia Basin irrigation project.

Section 2 requires the Department of Agriculture to establish a committee to study water supply availability in the Columbia Basin area and make a preliminary report to the Governor and Legislature by January 1, 1987, with the final report by January 1, 1988.

The primary objective of the study is to develop a formal process to enable the state to maintain its option to participate in a feasible Columbia Basin project.

The Federal Bureau of Reclamation is in the initial stages of preparing its required Environmental Impact Statement (EIS) on the second half of the Columbia Basin project. The draft EIS is scheduled to be available for review and comment in December 1986, and will require a state response. The study timetable called for in section 2(2) could place the state in the untenable position of having to respond to the EIS and indicate a preferred project alternative as much as one full year in advance of completion of its own study.

Therefore, I am vetoing section 2(2) and asking the Director of the Department of Agriculture to develop a time schedule for activities, including dates for preliminary and final reports, and to inform the Legislature of the timetable. The timetable for the Columbia Basin water

availability study should be consistent with the schedule for the Bureau of Reclamation's Environmental Impact Statement. That schedule calls for the draft EIS to be available for review in December 1986.

The committee specifically called for in section 2(1) would contain a number of key interest groups vital to the Columbia Basin project decision-making process. Other equally important interests—local government, recognized environmental organizations and Indian tribes—are absent. I am asking the Director of the Department of Agriculture to review the composition of the committee and to make certain that the entire range of interests and organizations necessary to make timely, objective decisions on appropriate participation in the Columbia Basin Project serve on the committee. The committee shall establish and maintain communications with the Governor and the Legislature.

A number of the issues identified for study in section 2(1) have already been at least partially addressed in past studies or ongoing assessments conducted by the state, the Bureau of Reclamation, the Bonneville Power Administration or the Northwest Power Planning Council. Section 2(1)(i) instructs the committee not to duplicate data being developed by the Bureau of Reclamation in its Environmental Impact Statement process. I am further directing the Department to ensure that the committee extends the mandate to avoid duplication, including duplication of previous or ongoing studies, to all elements of the study, not just those items enumerated in section 2(1)(i).

With the exception of section 2(2), Substitute Senate Bill 4418 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

Referred to Committee on Rules.

April 4, 1986

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 9(b), Reengrossed Substitute Senate Bill No. 3182, entitled:

"AN ACT Relating to retirement from public service."

Section 9(b) appropriates \$2,800,000 for contribution to the pension trust fund for this biennium. The fiscal impact for the remaining provisions of this measure is \$1,200,000 and therefore the appropriated amount is excessive.

The Department of Retirement Systems, in consultation with the Office of the State Actuary, will revise the employer contribution rate for the Public Employees and Teachers Systems so as to assure the appropriate cost of this legislation is collected by the system during this biennium.

With the exception of section 9(b), Reengrossed Substitute Senate Bill No. 3182 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

Referred to Committee on Rules.

April 4, 1986

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1(6), Senate Bill No. 3397, entitled:

"AN ACT Relating to game and game fish."

Section 1(6) of this bill would direct to the Game Fund, rather than to the Public Safety and Education fund, reimbursements to the state for the value of game animals taken illegally.

These reimbursements were directed to the Public Safety and Education Fund by the 1984 Court Reform Act, which did away with a very cumbersome system of separate accounting for numerous small special purpose court collections. The unified and simplified system now in place is vastly superior to its predecessor. The change contemplated by this subsection would be a step backward toward the old system. Moreover, the change is unnecessary because the Game Department receives appropriations from the Public Safety and Education Fund.

For this reason, I have vetoed section 1(6) of Senate Bill No. 3397.

Respectfully submitted,  
BOOTH GARDNER, Governor

Referred to Committee on Rules.

April 4, 1986

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1, Engrossed Senate Bill No. 4705, entitled:

"AN ACT Relating to communications with minors for immoral purposes."

Minors should be protected from exposure to sexually explicit material. Unfortunately, the language used in section 1 of this measure is both broad and unclear, and poses serious problems for libraries. Library staff would have to begin policing minors who use their facilities, and this is not an appropriate role. Unfortunately, provisions which would have exempted libraries and their staff from having to enforce this provision were deleted from the bill.

Selection of books for public libraries has historically been the responsibility of local library boards; I am satisfied this system continues to provide adequate safeguards for communities. Additionally, there are materials used by professional counselors and caseworkers in working with sexually abused children which may be suspect under this section.

Also, the definition of "minor" in section 1 is changed to age eighteen, which puts it in conflict with RCW 9.68A.110 -- the defense section to RCW 9.68A.050 -- which still refers to the age of a minor as sixteen. This will create serious problems and make the law unenforceable.

With the exception of section 1, Engrossed Senate Bill No. 4705 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

Referred to Committee on Rules.

April 4, 1986

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 1(4), 1(7) in part, 2 and 16, Engrossed Senate Bill 4620, entitled:

"AN ACT Relating to retail trading practices in the sale of motor vehicle fuels."

This legislation creates a separate franchise law that regulates the business relationship between motor fuel refiner-suppliers and motor fuel retailers.

The Legislature has devoted substantial time and effort to examining allegations that the major oil companies are employing predatory pricing and other unfair practices against the independent lessee-dealers to whom they supply gasoline and other products. These allegations are occurring during a period when the nature of retail gasoline marketing is undergoing significant changes. Preserving a market niche for independent lessee-dealers in this changing environment has been a major concern of the Legislature. Accordingly, Senate Resolution 1985-92 created a Select Committee to investigate these allegations and to submit its findings and recommendations to the Legislature. This legislation is largely a product of the Select Committee's work.

The Select Committee's findings are reflected in the major components of Engrossed Senate Bill No. 4620: (1) recognition and protection of lessee-dealers' franchise rights, (2) prohibitions against certain unfair trade practices and provision of legal remedies to address violations, (3) authorization for a study by the Attorney General to determine whether motor fuel refiner-suppliers are employing unfair price discrimination between their owner-operated retail outlets and their lessee-dealers in the wholesale price charged for fuel, and (4) prohibitions against motor fuel refiner-suppliers unfairly discriminating in the wholesale price of fuel charged to their motor-fuel retailers in the same five-mile marketing area.

I have carefully considered all of these elements, and I support essentially all but those provisions relating to refiner-supplier price discrimination against lessee-dealers in the same marketing area, as contained in section 2 of the legislation. While I can appreciate this as a thoughtful attempt to establish a way to address alleged unfair pricing practices, I am not convinced that section 2 is a workable means for ensuring a competitive gasoline market that protects the lessee-dealers or benefits the consumers.

Therefore, I am vetoing section 2, as well as section 1(4) which defines the "marketing area" applicable to section 2, and a portion of section 1(7) that exempts certain "motor fuel refiner-suppliers" from the jurisdiction of this legislation.

In addition, since no administrative remedies are provided in this legislation, I am also vetoing section 16 which is an unneeded reference to the Administrative Procedure Act.

I will be awaiting the results of the Attorney General's investigation of alleged unfair wholesale price discrimination employed by refiner-suppliers between their owner-operated stations and their independent lessee-dealers. This effort is to be completed by December 1, 1986. The civil investigative demand powers of the Attorney General should be effective in evaluating these alleged practices, which were the genesis of the Legislature's concern but which they were unable to document. Until these results are available, the legislation as approved should provide substantial protection for the investments and franchise rights of lessee-dealers.

With the exception of sections 1(4), 1(7) in part, 2 and 16, Engrossed Senate Bill 4620 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

Referred to Committee on Rules.

April 4, 1986

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 2(8), Substitute Senate Bill No. 4627, entitled:

"AN ACT Relating to cigarette wholesalers and retailers."

I strongly agree with the intent of Substitute Senate Bill No. 4627 to "increase competition by reducing government's role in price setting" of cigarettes. I believe that increased market competition benefits the consumer.

I also agree that the Unfair Cigarette Below Cost Act, the current law which is amended by this bill, should not be terminated in June 1986. Rather, I favor a phase-out of state cigarette price regulation as proposed in Substitute Senate Bill No. 4627, allowing the market to adjust to free market practices over a five-year period. State regulation would then terminate completely in 1991. This approach is consistent with the Legislative Budget Committee's conclusion in its mandated study of the Unfair Cigarette Below Cost Act, "that Chapter 19.91 RCW be extended in its current form and then be automatically phased out over a five-year period."

However, I'm concerned over a potential problem created by the bill's inconsistent treatment of cigarette manufacturers' discounts. Section 2(8) of the bill deletes the provision in current law which specifically authorizes wholesalers to pass cigarette manufacturers' cash discounts through to the retailer. Deleting this express authority granted to wholesalers in section 2(8) of the current law appears to create an ambiguity with regard to section 2(10) which is retained in current law by this bill. Section 2(10) specifies how the retailer shall account to the Department of Revenue for discounts received from cigarette wholesalers. The Department of Revenue would probably be required to rule on this ambiguity with the potential for litigation to resolve the issue.

As a policy matter, if wholesalers are not allowed to pass manufacturers' discounts to retailers, contrary to current law, the effect would be to increase the mandatory wholesale price of cigarettes. This situation would be entirely inconsistent with the intent of Substitute Senate Bill No. 4627, and the Legislative Budget Committee's recommendation, to deregulate state price controls.

In considering a veto of section 2(8), I recognize that the current law pertaining to the treatment of manufacturers' discounts does not have the same effect on all segments of the cigarette wholesaling industry. Nonetheless, the current law has been in effect since 1984, which has already provided a period for the industry to adjust to the discount provision. I believe that the interests of the consumer are best served by retaining the discount provisions of current law, and continuing the move towards market pricing for cigarettes. Therefore, I am vetoing section 2(8) of Substitute Senate Bill No. 4627, which restores the provisions of current law regarding manufacturers' discounts.

With the exception of section 2(8), Substitute Senate Bill No. 4627 has been approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

Referred to Committee on Rules.

April 4, 1986

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 1 and 2 in part of Reengrossed Substitute Senate Bill No. 4305, entitled:

"AN ACT Relating to bail bonds."

This bill makes a number of changes relating to the legal processes for providing bail and appearance bonds.

Section 1 of this bill would relieve sureties of the responsibility of insuring the appearance of bonded defendants through the entire court hearing process by releasing the sureties' liability at conviction. Sureties would no longer remain liable until the sentencing hearing. This section reverses an effective long-standing policy. This section would also require that the defendant obtain a new bond for the period of time between conviction and sentencing with a resultant additional costs. If the defendant did not or could not get a new bond, the county would have to house the defendant in jail. These changes are undesirable from the standpoint of both the defendant and the county. Currently, the sureties can protect their interests by advising the court that a defendant will flee if found guilty and the bond should not be extended.

In section 2, I am vetoing the change proposed in the first sentence. The portion of section 2 that I am vetoing is the statement "or an amount less than that stated in the bond if recommended by the prosecuting attorney and approved by the court or approved by the court of its own motion." This change would allow a court to reduce the size of the forfeiture that must be made when the defendant fails to appear at court. Reducing the face value of the bond when the defendant fails to appear could undermine the incentive to bring defendants to justice, thereby weakening the criminal justice process.

For these reasons I have vetoed sections 1 and 2 in part of Re-engrossed Substitute Senate Bill No. 4305.

With the exception of the vetoed sections, Reengrossed Substitute Senate Bill No. 4305 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

Referred to Committee on Rules.

April 4, 1986

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to part of section 1, Substitute Senate Bill No. 4525, entitled:

"AN ACT Relating to legal representation of the legislature."

The Attorney General presently represents all the branches of government in Washington State -- the Legislature, the Executive and the Judiciary. This bill would allow the Legislature, the House, the Senate, or any committee or entity which hires its own staff to retain council of their own choosing to represent them in judicial and administrative proceedings. This is a substantial policy change.

The portion of section 1 which I am vetoing results in limiting the authority to retain counsel to the House of Representatives and the Senate together. This allows the Legislature as an institution to retain counsel. Without this limitation, I believe this authority to hire counsel would be too broad.

With the exception of the language in section 1 granting the House, the Senate and the committees or entities of the Legislature which hire their own staff the authority to retain separately legal counsel, I am signing Substitute Senate Bill No. 4525.

Respectfully submitted,  
BOOTH GARDNER, Governor

Referred to Committee on Rules.

April 4, 1986

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval of sections 18 and 24, Substitute Senate Bill No. 4779, entitled:

"AN ACT Relating to auctions."

The intent of this legislation is to retain the current licensing and bonding and trust accounts systems for auctioneers and add consumer protection by establishing standards for certain business practices and declaring that deviations from these practices constitute violations of the Consumers Protection Act.

Auctioneering is a growing industry in this state. The rapid growth of such service industries in which the service provider has substantial responsibilities for handling the merchandise and cash flow of clients frequently creates the potential for abuse. This legislation is intended to put in place appropriate protections for consumers before such abuses become a serious problem.

Section 18 of this legislation would establish a new Disciplinary Review Committee. This disciplinary committee is premature and would have no enforcement powers.

Section 24 of this legislation would forbid any regulation of auctioneers by cities and counties. This may interfere with the power of local governments to require business licenses and the payment of business taxes.

For the above reasons, sections 18 and 24 are vetoed.

With the exception of sections 18 and 24, Substitute Senate Bill No. 4779 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

Referred to Committee on Rules.

April 4, 1986

To the Honorable, the Senate  
of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 2(3) and section 3(1), (2) and (4), Second Substitute Senate Bill No. 3487, entitled:

"AN ACT Relating to energy consumption in state agencies."

I have vetoed the amendatory language "and the total cost to accomplish those measures which are not included" from the last sentence in section 2(3). This language would require explanatory information regarding items not included in the biennial budget request. Such a provision would be contrary to traditional budgetary practice.

I have also vetoed 3(1), (2) and (4) which would require the Office of Financial Management to develop guidelines for budgeting and implementation of state agency energy conservation initiatives. It would be inappropriate for the Office of Financial Management to be involved in such detailed operational matters. Agency management must be allowed to prioritize among competing state goals if they are to be held accountable for achieving the desired results. Notwithstanding these vetoed provisions, I will direct the Office of Financial Management to develop budget guidelines for energy related items.

With the exception of section 2(3) and section 3(1), (2) and (4), Second Substitute Senate Bill No. 3487 is approved.

Respectfully submitted,  
BOOTH GARDNER, Governor

Referred to Committee on Rules.

#### MESSAGES FROM THE HOUSE

January 12, 1987

Mr. President:

The Speaker has signed:

HOUSE CONCURRENT RESOLUTION NO. 4400, and the same is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

January 12, 1987

Mr. President:

The Speaker has signed:

SENATE CONCURRENT RESOLUTION NO. 8400, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 4400.

#### INTRODUCTION AND FIRST READING

SB 5056 by Senators Moore and Pullen

AN ACT Relating to the mental sports competition and research commission; adding a new chapter to Title 67 RCW; and creating a new section.

Referred to Committee on Commerce and Labor.

SB 5057 by Senators Halsan, Deccio, Johnson, Talmadge, Hansen, Newhouse, Benitz, Lee, Vognild, McDonald, Nelson, Anderson, Barr, Hayner and Saling (by request of Joint Administrative Rules Review Committee)

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

Referred to Committee on Governmental Operations.

SB 5058 by Senators Halsan, Deccio, Johnson, Talmadge, Hansen, Lee, McDonald, Nelson, Anderson, Hayner and Saling (by request of Joint Administrative Rules Review Committee)

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

Referred to Committee on Governmental Operations.

SB 5059 by Senators Warnke, Talmadge, Bender, Rasmussen, McDermott, Fleming, Conner, Lee, Vognild, Metcalf, Zimmerman, Garrett, Bauer, Smitherman, Williams and Wojahn (by request of Lieutenant Governor Cherberg)

AN ACT Relating to unemployment compensation during labor disputes; and amending RCW 50.20.090.

Referred to Committee on Commerce and Labor.

SB 5060 by Senators Talmadge, Newhouse, Halsan, Conner and Rasmussen (by request of Washington State Patrol)

AN ACT Relating to pedestrians under the influence of alcohol or drugs; and amending RCW 46.61.266.

Referred to Committee on Judiciary.

SB 5061 by Senators Halsan, Newhouse, Talmadge, Smitherman and Garrett  
(by request of Washington State Patrol)

AN ACT Relating to failure to comply with traffic infraction laws; amending RCW 46.64.020 and 46.64.015; adding a new section to chapter 46.64 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5062 by Senators Talmadge, Newhouse, Halsan and Rasmussen (by request of Washington State Patrol)

AN ACT Relating to enforcement of traffic laws and regulations without warrants; amending RCW 46.63.030; and reenacting and amending RCW 10.31.100.

Referred to Committee on Judiciary.

SB 5063 by Senators Talmadge, Nelson, Newhouse, Bottiger, Moore, Vognild, Gaspard, Deccio and Rasmussen

AN ACT Relating to child and adult abuse information; amending RCW 9.94A.230, 43.43.700, 43.43.705, 43.43.710, 43.43.735, 43.43.740, and 74.15.030; adding new sections to chapter 43.43 RCW; repealing RCW 26.44.070; and making an appropriation.

Referred to Committee on Judiciary.

SB 5064 by Senators Saling and Kreidler

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

Referred to Committee on Human Services and Corrections.

SB 5065 by Senators Talmadge, Halsan, Newhouse, Nelson, Bottiger, Moore, Deccio, Garrett, Rasmussen, Johnson, Hayner and Tanner

AN ACT Relating to witnesses of crimes; amending RCW 9.69.100; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5066 by Senators Talmadge, Nelson, Halsan, Newhouse, Bottiger, Moore, Vognild, Rasmussen and Hayner

AN ACT Relating to the definition of nonhearsay statements; and adding a new section to chapter 5.64 RCW.

Referred to Committee on Judiciary.

SB 5067 by Senators Talmadge, Newhouse, Bottiger, Nelson, Moore, Rinehart and Deccio

AN ACT Relating to domestic violence prevention; and amending RCW 26.50.020.

Referred to Committee on Judiciary.

SB 5068 by Senator Pullen

AN ACT Relating to solid waste disposal sites; adding a new section to chapter 70.95 RCW; and creating a new section.

Referred to Committee on Parks and Ecology.

SB 5069 by Senators Williams, Benitz and Rasmussen (by request of Utilities and Transportation Commission)

AN ACT Relating to public service company budgets; and amending RCW 80.04.310.

Referred to Committee on Parks and Ecology.

SB 5070 by Senators Talmadge, Halsan, Newhouse, Fleming, Moore, Stratton, Kreidler, Bender, Lee, Deccio, Gaspard, Rasmussen and Saling

AN ACT Relating to alcohol and substance abuse; amending RCW 9.73.080, 9.94A-.030, 66.44.270, 69.50.401, 69.50.406, 26.28.080, 66.08.180, 66.20.200, 66.24.320, 66.24.330, 48.21.160, 48.21.180, 48.44.240, and 48.46.350; reenacting and amending RCW 9.73.030 and 10.31.100; adding new sections to chapter 9.73 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding a new section to chapter 66.08 RCW; adding new sections to chapter

66.28 RCW; adding a new section to chapter 69.50 RCW; adding a new chapter to Title 69 RCW; creating new sections; repealing RCW 9.73.050 and 48.21.170; prescribing penalties; providing effective dates; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5071 by Senators Kreidler, Williams and Rinehart

AN ACT Relating to dangerous wastes; amending RCW 70.105.010; adding a new section to chapter 70.105 RCW; and repealing RCW 70.105.110.

Referred to Committee on Parks and Ecology.

SB 5072 by Senator Kreidler

AN ACT Relating to hazardous waste; and amending RCW 70.105.145.

Referred to Committee on Parks and Ecology.

SB 5073 by Senators Talmadge, Nelson and Moore

AN ACT Relating to waste disposal permit violations; adding a new section to chapter 90.48 RCW; and prescribing penalties.

Referred to Committee on Parks and Ecology.

SB 5074 by Senators Talmadge, Newhouse, McCaslin, Moore, Lee and Hayner

AN ACT Relating to mental health; amending RCW 71.05.040, 71.05.210, 71.05.230, 71.05.240, 71.05.250, 71.05.260, 71.05.300, 71.05.310, 71.05.340, 5.60.060, 18.83.110, 70.96A.120, and 70.96A.140; adding a new section to chapter 71.05 RCW; and providing an effective date.

Referred to Committee on Judiciary.

SB 5075 by Senators Peterson and Owen

AN ACT Relating to historic preservation on aquatic lands; and adding a new section to chapter 79.90 RCW.

Referred to Committee on Natural Resources.

SB 5076 by Senators Bluechel and Warnke

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

Referred to Committee on Commerce and Labor.

SB 5077 by Senators Saling, Stratton and Benitz

AN ACT Relating to measured telecommunications service; reenacting and amending RCW 80.04.130; providing an effective date; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SB 5078 by Senators Halsan, Talmadge, Newhouse, Vogt, Deccio, West, Bauer, Johnson and Tanner

AN ACT Relating to assault of juvenile corrections officers; amending RCW 9A.36.031; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5079 by Senators Talmadge, Nelson and Moore

AN ACT Relating to the admissibility of evidence arising from mediation; and adding a new section to chapter 5.64 RCW.

Referred to Committee on Judiciary.

SB 5080 by Senators Halsan, Newhouse, Talmadge and Nelson

AN ACT Relating to exempt pension money; and amending RCW 6.16.030.

Referred to Committee on Judiciary.

SB 5081 by Senators Bluechel, Bottiger and Conner

AN ACT Relating to winter recreation; adding new sections to chapter 67.34 RCW; creating a new section; repealing RCW 67.34.010, 67.34.020, 67.34.900, and 67.34.905; and declaring an emergency.

Referred to Committee on Parks and Ecology.

SB 5082 by Senators Talmadge, Zimmerman, Wojahn and Lee (by request of Legislative Budget Committee)

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

Referred to Committee on Governmental Operations.

SJR 8203 by Senators Halsan, Conner, Garrett, Zimmerman, Newhouse and DeJarnatt

Modifying constitutional provisions for alteration of county boundaries.

Referred to Committee on Governmental Operations.

#### APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chambers of Queen Julie Brown, representing the 1987 Capital Lakefair Incorporated and appointed Senators Zimmerman, Owen, Stratton and Hayner to escort the honored guest to the rostrum.

With permission of the Senate, business was suspended to permit Queen Julie to welcome the Senators to Olympia.

The honored guest was escorted from the Senate Chambers and the committee was discharged.

#### MOTION

At 11:18 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 11:45 a.m. by President Cherberg.

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

#### SECOND READING

SENATE BILL NO. 5009, by Senators McDermott, Smitherman, Warnke, Garrett, Lee, Rasmussen, West and Moore

Exempting outpatient dialysis facilities from property taxation.

The bill was read the second time.

#### MOTION

On motion of Senator McDermott, the rules were suspended, Senate Bill No. 5009 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5009.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5009 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

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

Excused: Senators Craswell, McCaslin, McDonald, Peterson, Pullen - 5.

SENATE BILL NO. 5009, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5022, by Senators Tanner, Newhouse, Halsan, Saling, DeJarnatt, Deccio, Smitherman, McDermott, Gaspard, Fleming, Warnke, Vognild, Garrett, Lee, Bauer, Talmadge, Stratton and Moore (by request of Department of Community Development)

Appropriating moneys for projects recommended by the public works board.

#### MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 5022 was substituted for Senate Bill No. 5022 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 5022 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5022.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5022 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

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

Excused: Senators Craswell, McCaslin, Peterson, Pullen - 4.

SUBSTITUTE SENATE BILL NO. 5022, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 11:59 a.m., on motion of Senator Vognild, the Senate adjourned until 11:00 a.m., Thursday, January 15, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## FOURTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Thursday, January 15, 1987

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bailey, Craswell and McCaslin. There being no objection, the President excused Senator McCaslin.

The Sergeant at Arms Color Guard, consisting of Pages Marci McMullen and J. J. Hornbaker presented the Colors. Reverend Lee Forstrum, pastor of the Westwood Baptist Church of Olympia, offered the prayer.

#### MOTION

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

#### MESSAGE FROM THE GOVERNOR

January 6, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Richard C. Kelly appointed January 6, 1987, for a term ending January 4, 1993, as a member of the State Personnel Board.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

#### INTRODUCTION AND FIRST READING

SB 5083 by Senators Halsan, Newhouse and Talmadge

AN ACT Relating to civil infractions; amending RCW 9.61.190, 9.61.200, 18.20.140, 19.91.020, 27.12.340, and 73.16.020; adding a new chapter to Title 7 RCW; creating a new section; repealing RCW 9.61.210, 9.04.030, 9.12.030, 9.45.040, 9.45.120, 9.45.150, 9.58.100, 9.58.110, and 38.40.140; prescribing penalties; and providing an effective date.

Referred to Committee on Judiciary.

SB 5084 by Senators Owen, Talmadge, Conner, Rasmussen, Bender, Wojahn, Fleming, Williams, Bauer, Gaspard, Garrett, Stratton, Moore, Tanner, Halsan, Hansen, Smitherman, DeJarnatt, McDermott, Rinehart, Kredler, Warnke, Vognild, Peterson, Johnson, Hayner, von Reichbauer, Lee, Zimmerman, West and Nelson

AN ACT Relating to property taxation; amending RCW 84.36.381 and 74.38.070; and creating a new section.

Referred to Committee on Ways and Means.

SB 5085 by Senators Talmadge, Newhouse, Hansen, Sellar, Vognild and Barr

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

Referred to Committee on Judiciary.

SB 5086 by Senators Halsan, Talmadge, Moore, Stratton and Gaspard

AN ACT Relating to community supervision; amending RCW 9.94A.200, 9.94A.360, and 9.94A.330; reenacting and amending RCW 9.94A.120; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5087 by Senators Owen, Warnke, Nelson and Johnson

AN ACT Relating to visitation rights; and amending RCW 26.09.160.

Referred to Committee on Judiciary.

SB 5088 by Senators Owen, Warnke, Nelson, Barr and Moore

AN ACT Relating to custodial interference; and amending RCW 9A.40.070.

Referred to Committee on Judiciary.

SB 5089 by Senators Halsan, Vogniid, Talmadge, Bailey, Stratton, Newhouse, Benitz, Kreidler, Bauer, Johnson, Gaspard and Moore

AN ACT Relating to homicide by abuse; amending RCW 9A.32.030; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5090 by Senators Halsan, Newhouse, Talmadge and Hayner

AN ACT Relating to administrative law; adding new sections to chapter 34.04 RCW; creating a new section; repealing RCW 28B.19.010, 28B.19.020, 28B.19.030, 28B.19.033, 28B.19.037, 28B.19.040, 28B.19.050, 28B.19.060, 28B.19.070, 28B.19.073, 28B.19.077, 28B.19.080, 28B.19.090, 28B.19.100, 28B.19.110, 28B.19.120, 28B.19.130, 28B.19.140, 28B.19.150, 28B.19.160, 28B.19.163, 28B.19.165, 28B.19.168, 28B.19.200, 28B.19.210, section 19, chapter 57, Laws of 1971 ex. sess. (uncodified), section 22, chapter 57, Laws of 1971 ex. sess. (uncodified), 34.04.010, 34.04.020, 34.04.022, 34.04.025, 34.04.026, 34.04.027, 34.04.030, 34.04.040, 34.04.045, 34.04.048, 34.04.050, 34.04.052, 34.04.055, 34.04.057, 34.04.058, 34.04.060, 34.04.070, 34.04.080, 34.04.090, 34.04.100, 34.04.105, 34.04.110, 34.04.120, 34.04.130, 34.04.133, 34.04.135, 34.04.140, 34.04.150, 34.04.170, 34.04.270, 34.04.280, 34.04.290, 34.04.900, 34.04.901, 34.04.910, 34.04.920, 34.04.921, 34.04.930, 34.04.931, and 34.04.940; and providing an effective date.

Referred to Committee on Judiciary.

SB 5091 by Senators West and Stratton

AN ACT Relating to the Maple Street toll bridge in Spokane; and creating a new section.

Referred to Committee on Transportation.

SB 5092 by Senator West

AN ACT Relating to tobacco; amending RCW 26.28.080; adding new sections to chapter 19.91 RCW; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SB 5093 by Senator West

AN ACT Relating to gubernatorial appointees; and amending RCW 43.06.092 and 43.06.094.

Referred to Committee on Governmental Operations.

SB 5094 by Senator Bottiger

AN ACT Relating to the excise taxation of labor rendered by speculative builders; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Ways and Means.

SB 5095 by Senators Saling and West

AN ACT Relating to the Maple Street toll bridge in Spokane; and creating a new section.

Referred to Committee on Transportation.

SB 5096 by Senator Williams

AN ACT Relating to energy-related building standards eliminating adoption by reference of certain codes, rules and regulations now adopted by reference in chapter 19.27 RCW and recognizing the state building code council as successor to the state building code advisory council; and amending RCW 19.27A.010, 19.27A.020, 19.27A.040, and 19.27A.050.

Referred to Committee on Energy and Utilities.

SB 5097 by Senator Williams

AN ACT Relating to regulations of the utility and transportation commission; reenacting RCW 80.04.010; and reenacting and amending RCW 80.04.130.

Referred to Committee on Energy and Utilities.

SB 5098 by Senators Halsan, Owen, Bailey, Bauer, Bottiger, Smitherman, Barr, Rasmussen, Hansen, Newhouse and Gaspard

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

Referred to Committee on Ways and Means.

SB 5099 by Senator Lee

AN ACT Relating to extending the state lottery to fund a budget reserve; amending RCW 67.70.240 and 67.70.900; adding a new section to chapter 67.70 RCW; declaring an emergency; and providing an effective date.

Referred to Committee on Ways and Means.

SB 5100 by Senators Rasmussen, Johnson and Lee

AN ACT Relating to retail sales taxes; and amending RCW 82.08.010.

Referred to Committee on Ways and Means.

SB 5101 by Senator Talmadge

AN ACT Relating to the funding of local criminal justice activities; amending RCW 82.08.020, 82.12.020, and 82.12.045; adding a new section to chapter 43.41 RCW; providing an effective date; and providing for submission of this act to a vote of the people.

Referred to Committee on Ways and Means.

SB 5102 by Senators Talmadge, Deccio and Barr

AN ACT Relating to corporations; and amending RCW 23A.12.020 and 23A.08.025.

Referred to Committee on Judiciary.

SB 5103 by Senators Bottiger, Johnson, Wojahn and Gaspard

AN ACT Relating to the solemnization of marriages; and amending RCW 26.04.050.

Referred to Committee on Judiciary.

SB 5104 by Senators Kreidler and Bluechel

AN ACT Relating to the parks and recreation commission; amending RCW 43.51.050 and 43.51.060; and adding a new section to chapter 43.51 RCW.

Referred to Committee on Parks and Ecology.

SB 5105 by Senators Warnke, Lee, Smitherman, Garrett, Newhouse, Anderson, Wojahn and Moore

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

Referred to Committee on Commerce and Labor.

SB 5106 by Senators Bottiger, Hayner, Halsan, Deccio and West

AN ACT Relating to the organized crime advisory board; and amending RCW 43.43.858.

Referred to Committee on Governmental Operations.

SB 5107 by Senators Conner, Barr, Peterson, Patterson, Vognild, Bauer and Deccio

AN ACT Relating to motor vehicle excise tax; and amending RCW 82.44.060.

Referred to Committee on Transportation.

SB 5108 by Senators Fleming, McDermott, Rasmussen, Metcalf and Deccio

AN ACT Relating to banks and bank holding companies; amending section 4, chapter 310, Laws of 1985 (uncodified); and declaring an emergency.

Referred to Committee on Financial Institutions.

SB 5109 by Senators Hansen, Rasmussen, Barr, Benitz, Owen, Hayner and Deccio

AN ACT Relating to the valuation of real property for property tax purposes; and amending RCW 84.40.030.

Referred to Committee on Ways and Means.

SB 5110 by Senators Gaspard, Bauer, Bailey, Bender, Patterson, Smitherman, Warnke, Saling, Anderson, Zimmerman, Kiskaddon, Rinehart, Garrett, von Reichbauer and Moore

AN ACT Relating to tuition and fee waivers; amending RCW 28A.58.822; and reenacting and amending RCW 28B.15.543.

Referred to Committee on Education.

SB 5111 by Senators Hansen, Rasmussen, Barr, Benitz, Owen, Vognild, Bauer, Johnson, Deccio and West

AN ACT Relating to personal service contracts; and amending RCW 39.29.010, 39.29.020, 39.29.040, and 39.29.070.

Referred to Committee on Governmental Operations.

SB 5112 by Senators Benitz, Hansen, West, Owen, Zimmerman and Bauer

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

Referred to Committee on Transportation.

SJM 8000 by Senators Halsan, Benitz, Stratton, Newhouse, Owen, Deccio and Barr

Requesting Congress review United States Forest Service designation of spotted owl habitat.

Referred to Committee on Natural Resources.

SJR 8204 by Senator Moore

Authorizing a limited income tax.

Referred to Committee on Ways and Means.

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

#### SECOND READING

SENATE BILL NO. 5015, by Senators Halsan, Talmadge, Newhouse and West (by request of Statute Law Committee)

Revising terminology regarding municipal courts.

The bill was read the second time.

#### MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 5015 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Pullen: "Senator Talmadge, this is reported to be a housekeeping bill that would make rather technical changes in the law only or is there any substitutive language in it?"

Senator Talmadge: "I think Senator, you could say that it's a technical bill, but yet there is a substitutive provision, for example, that is cited in the bill description that you have before you. Substitutive in this sense, that it required a police chief of a municipality to prosecute violations of city ordinances before a police judge. The only problem is, we have eliminated the terminology of police judges and I do not think it is appropriate, for example, for a prosecuting function to be performed by

a police chief. My sense is that it is purely a technical change in the law requested by the Statute Law Committee."

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5015.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5015 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent, 2; excused, 1.

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

Voting nay: Senator Metcalf - 1.

Absent: Senators Bailey, Craswell - 2.

Excused: Senator McCaslin - 1.

SENATE BILL NO. 5015, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Zimmerman, Senators Bailey and Craswell were excused.

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

There being no objection, the Senate resumed consideration of Senate Resolution 1987-8602 and the pending motion by Senator Vognild to adopt the resolution, deferred January 12, 1987.

#### MOTION

Senator Patterson moved adoption of the following amendment by Senators Patterson and Lee:

On page 19, line 4, after "them" and before the period, insert: "and shall not report a bill out of committee until a fiscal note is requested and attached so that the committee may fully debate the fiscal impact of the bill, if any"

Debate ensued.

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Patterson and Lee.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Patterson failed and the amendment was not adopted by the following vote: Yeas, 21; nays, 25; excused, 3.

Voting yea: Senators Anderson, Barr, Benitz, Bluechel, Cantu, Deccio, Hayner, Johnson, Kiskaddon, Lee, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, von Reichbauer, West, Zimmerman - 21.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Moore, Owen, Peterson, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 25.

Excused: Senators Bailey, Craswell, McCaslin - 3.

#### MOTION

Senator Metcalf moved that the following amendment be adopted:

On page 21, line 13, after "elected" and before the period, insert: "or a discharge petition signed by at least twenty-five members of the Senate"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Metcalf.

The motion by Senator Metcalf failed and the amendment was not adopted.

#### MOTION

Senator Newhouse moved adoption of the following amendment by Senators Newhouse, Sellar and Hayner:

On page 22, line 14, after "committee" strike everything down to and including elected, on line 16 and insert: "and which would increase the amount appropriated in the bill, shall be adopted except by the affirmative vote of sixty percent of the senators elected or appointed."

Debate ensued.

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Newhouse, Sellar and Hayner.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Newhouse failed and the amendment was not adopted by the following vote: Yeas, 21; nays, 25; excused, 3.

Voting yea: Senators Anderson, Barr, Benitz, Bluechel, Cantu, Decchio, Hayner, Johnson, Kiskaddon, Lee, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, von Reichbauer, West, Zimmerman - 21.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Moore, Owen, Peterson, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 25.

Excused: Senators Bailey, Craswell, McCaslin - 3.

#### MOTION

Senator Pullen moved adoption of the following amendment:

On page 11, line 30, after "senate" and before the period, insert: "or for a point of order to enforce the provisions of Section 1 of Rule 22 when timely enforcement can only be achieved during the roll call"

Debate ensued.

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

The motion by Senator Pullen failed and the amendment was not adopted on a rising vote.

#### MOTION

Senator Nelson moved adoption of the following amendment by Senators Nelson and Kiskaddon:

On page 17, line 20, after "senate" and before the period, insert: "and committee membership shall reflect, as closely as possible, the percentages of membership of the majority and minority parties"

Debate ensued.

President Pro Tempore Rasmussen assumed the chair.

Further debate ensued.

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

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendment by Senators Nelson and Kiskaddon.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Nelson failed and the amendment was not adopted by the following vote: Yeas, 21; nays, 25; excused, 3.

Voting yea: Senators Anderson, Barr, Benitz, Bluechel, Cantu, Decchio, Hayner, Johnson, Kiskaddon, Lee, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, von Reichbauer, West, Zimmerman - 21.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Moore, Owen, Peterson, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 25.

Excused: Senators Bailey, Craswell, McCaslin - 3.

#### MOTION

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

On page 19, line 8, after "state" and before the period, insert:

" : PROVIDED, That no executive action on bills may be taken during an interim"

On page 19, line 33, after "meeting" insert: "during a legislative session"

On page 24, line 19, after "committee" insert: "during a legislative session"

Debate ensued.

POINT OF INQUIRY

Senator Vognild: "Senator Nelson, is it your intent with the definition of 'executive action' here that the action be the movement of a bill, resolution, etc. to the body for action? In other words, 'executive action' defined as voting to pass a bill out, refer it to rules and that type of thing?"

Senator Nelson: "Yes, it is."

Senator Vognild: "Then it is not your intention that 'executive action' would cover the filing of a report if it was required by this body or the setting of an agenda of this type?"

Senator Nelson: "No it would not."

POINT OF INQUIRY

Senator Bottiger: "Senator Nelson, perhaps one more question. On occasion, this body creates a committee or directs a committee to do something. I am referring to the WPPSS study. In that case, we had our own budget, the authority to hire and fire and issue subpoenas. This rule would not prohibit a select body or a standing committee from taking those kinds of actions?"

Senator Nelson: "No, it would not."

The President Pro Tempore declared the question before the Senate to be adoption of the amendments by Senator Nelson.

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

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution 1987-8602, as amended.

The motion by Senator Vognild carried and Senate Resolution 1987-8602, as amended, was adopted.

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

INTRODUCTION AND FIRST READING

SCR 8401 by Senators Rasmussen, Vognild and Talmadge

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

MOTION

On motion of Senator Vognild, the rules were suspended, Senate Concurrent Resolution No. 8401 was advanced to second reading and read the second time.

SENATE CONCURRENT RESOLUTION NO. 8401

BE IT RESOLVED, By the Senate of the State of Washington, the House of Representatives concurring, That the Joint Rules of the 1987 Regular Session be amended to read as follows:

JOINT RULES  
OF THE SENATE AND THE  
HOUSE OF REPRESENTATIVES  
(~~(FORTY-NINTH)~~) FIFTIETH LEGISLATURE  
(~~(1985)~~) 1987

JOINT RULE NO.

- RULE 1 Conflict of interest.
- RULE 2 Employee restrictions.
- RULE 3 Joint session.
- RULE 4 Motions for joint session.
- RULE 5 Business limited.
- RULE 6 Conference committee.
- RULE 7 Conference committee appointees.
- RULE 8 Free conference request.
- RULE 9 Free conference committee.
- RULE 10 Report of conference and free conference committee, how made out; whom returned to.
- RULE 11 Adoption of reports.
- RULE 12 Messages between the two houses.

RULE 13	Final action on bills, how communicated.
RULE 14	Enrolled bills--Presiding officer to sign.
RULE 15	Disposition of enrolled bills.
RULE 16	Transmission of documents.
RULE 17	Joint and concurrent resolutions: memorials.
RULE 18	Amendatory Bills.
RULE 19	Amendatory bills, how drawn.
RULE 20	Amendments to state constitution: action by legislature.
RULE 21	Publicity of proposed amendments to state constitution.
RULE 22	Initiative petition before the legislature.
RULE 23	Adjournment.
RULE 24	Adjournment sine die.
RULE 25	Operation of committees during interim.
RULE 26	Joint legislative committees.
RULE 27	Joint committee hearings.
RULE 28	Each house judge of its own membership.
RULE 29	Sessions of the legislature.
RULE 30	Amendments to joint rules.
RULE 31	Joint rules to apply for biennium.
RULE 32	Open standing committee meeting.
RULE 33	Standing committees--duties.
RULE 34	Standing committees--expenses--subpoena power.
RULE 35	Committee procedures.
RULE 36	Legislative polling.
RULE 37	Bills to be engrossed.

#### CONFLICT OF INTEREST

RULE 1. A legislator has a personal interest which is in conflict with the proper discharge of legislative duties if the legislator has reason to believe or expect that a direct monetary gain or a direct monetary loss will be derived by reason of the legislator's official activity.

However, a legislator does not have a personal interest which is in conflict with the proper discharge of legislative duties if no benefit or detriment accrues to the legislator as a member of a business, profession, occupation, or group, to a greater extent than to any other member of such business, profession, occupation, or group.

#### CODE OF ETHICS

In order to maintain legislative integrity and secure the public interest the following Code of Ethics is adopted for legislators:

(a) Actions which destroy independence of judgment as a legislator:

(1) A legislator shall not vote on or influence legislation in committee or on the floor of either house, where the legislator has a personal interest which is in conflict with the proper discharge of legislative duties.

(2) A legislator shall not accept any gratuity or compensation for services rendered in connection with legislative employment other than legislative salary.

(3) A legislator shall not ask, receive, or agree to receive anything of value upon any understanding that the legislator's vote, opinion, judgment, or action will be influenced thereby.

(4) A legislator shall not solicit, receive, or accept a gift, favor or service under circumstances where it could be reasonably inferred that such action would influence the legislator in the discharge of legislative duties, or was a reward.

(5) A legislator shall not accept any remuneration other than legislative compensation for legislative advice or assistance.

(6) A legislator shall not appear before any department of state government for compensation that is contingent upon action by that department of state government unless the fee is set or approved by that department.

(b) Actions which involve undue influence upon any state agency, court, or governmental subdivision:

(1) A legislator shall not represent clients for compensation in proceedings or hearings before state agencies, boards or commissions involving claims of state employees.

(2) A legislator, singularly or through others, shall not use or attempt to use improper means to influence a state agency, board or commission.

(3) A legislator may use an official title or stationery in connection with a matter or proceeding before a state agency, board or commission, only if done without compensation, in connection with legislative duties.

(4) A legislator shall not represent any claimant for compensation in any claim placed before the legislature.

(5) A legislator shall not receive compensation for an appearance before a state agency as an expert witness.

(c) Actions which constitute an abuse of official position or a violation of public trust:

(1) A legislator shall not accept employment, or engage in any business, or be involved in any activity which one might reasonably expect would require the disclosure of privileged information gained by virtue of holding legislative office.

(2) A legislator shall not enter into any contract with a state agency involving services or property, unless the contract is made after public notice and competitive bidding; except in cases where public notice and competitive bidding are not required, the contract or agreement shall be filed with the Board of Ethics.

#### EMPLOYEE RESTRICTIONS

RULE 2. Section 1. A legislative employee shall not accept any gratuity or compensation for services rendered in connection with legislative employment other than legislative salary. A legislative employee shall not accept any employment, in addition to legislative employment, which would impair the employee's independence of judgment. Except within the scope of employment, a legislative employee shall not provide any service to a lobbyist or any other person.

Section 2. A legislative employee shall not use or attempt to use the employee's official position to (1) personally obtain any privilege, exemption, special treatment or any other thing of value, or (2) obtain any such benefit for others except as required to perform duties within the scope of employment.

Section 3. A legislative employee shall not accept or solicit anything of value for personal benefit or for the benefit of others under circumstances in which it can be reasonably inferred that the legislative employee's independence of judgment is impaired or is intended as a reward for any official action.

Section 4. A legislative employee shall not disclose confidential information acquired by reason of the employee's official position to any person or group not entitled to receive such information, nor shall the employee use such information for personal gain or benefit or for the benefit of others.

Section 5. A legislative employee shall not enter into any contract with a state agency involving services or property, unless the contract is made after public notice and competitive bidding; except in cases where public notice and competitive bidding are not required, the contract or agreement shall be filed with the appropriate board of ethics.

Section 6. A legislative employee shall not solicit or accept contributions for any candidate or political committee during working hours. At no time shall a legislative employee directly or indirectly coerce another employee into making a contribution to a candidate or a political committee. No legislative employee, as a condition of becoming or remaining employed, may directly or indirectly be required to make any contribution to a political candidate, committee, or party.

#### JOINT SESSION

RULE 3. Whenever there shall be a joint session of the two houses, the proceedings shall be entered at length upon the journal of each house. The lieutenant governor or president of the senate shall preside over such joint session, and the clerk of the house shall act as the clerk thereof, except in the case of the joint session held for the purpose of canvassing the votes of constitutional elective state officers, when the speaker shall preside over such joint sessions. The lieutenant governor shall not act in said joint session except as the presiding officer, and in no case shall have the right to give the deciding vote.

## MOTIONS FOR JOINT SESSION

RULE 4. All motions for a joint session shall be made by concurrent resolution to be introduced by the house in which such joint session is to be held; and when an agreement has once been made, it shall not be altered or annulled, except by concurrent resolution.

## BUSINESS LIMITED

RULE 5. No business shall be considered in joint session other than that which may be agreed upon before the joint session is called.

## CONFERENCE COMMITTEE, REPORTS, ETC.

## CONFERENCE COMMITTEE

RULE 6. In every case of difference between the two houses, upon any subject of legislation, the house refusing to recede shall request a conference and appoint a committee of three for that purpose, and the other house shall grant the request for a conference and appoint a like committee to confer. The committees, at the earliest possible hour, shall confer upon the differences between the two houses indicated by the amendment or amendments adopted in one house and rejected in the other. Except as provided in Rule 8, no conference committee shall consider or report on any matter except that directly at issue between the two houses. The papers shall be left with the conferees of the house requesting such conference, and they shall first present the report of the committee to their house. Every report of a conference committee must have the signatures of a majority of the conference committee members of each house.

## CONFERENCE COMMITTEE APPOINTEES

RULE 7. The presiding officer of each house shall appoint on each conference committee three members, selecting them so as to represent, in each case, the majority and minority positions as relates to the subject matter, and to the extent possible the majority and minority political parties.

## FREE CONFERENCE REQUEST

RULE 8. In case of failure of the conferees to agree on matters directly at issue between the two houses, the committee may in addition consider new proposed items within the scope and object (~~of the title~~) of the bill in conference for the purpose of requesting the powers of free conference. A report requesting the powers of free conference shall be made in the same manner as other reports of conference committees and shall set forth the proposed report of a free conference committee, including all amendments to the bill or resolution to be agreed upon by the free conference committee. The proposed report may be in the form of a new bill or resolution and such report must have the signatures of a majority of the members of the committee appointed from each house.

## FREE CONFERENCE COMMITTEE

RULE 9. Upon request for free conference the power of free conference may be granted by the two houses to the same committee, to whom only the proposed free conference report may be committed, or the committee may be discharged and a new committee appointed with the power of conference, as defined in Joint Rule 6. The report of the committee of free conference shall be acted upon in the same manner as provided for reports of conference committees. The report of a free conference committee must have the signatures of a majority of the members of the committee appointed from each house.

REPORT OF CONFERENCE AND FREE CONFERENCE COMMITTEE, HOW MADE OUT;  
WHOM RETURNED TO

RULE 10. The conference or free conference committee shall submit the bill as amended together with three signed copies of its report to the house which asked for the conference. A copy of the report shall be placed upon the desk of each member of the legislature at the time the report is received by this house. If this house acts to approve the report and pass the bill as amended, it shall then transmit its action, the bill, and two copies of the report to the other house.

## ADOPTION OF REPORTS\*

RULE 11. The report of a conference or free conference committee may be adopted by acclamation, but concurrence in the bill as amended shall be by roll call and the ayes and nays entered on the journals of the respective houses. The report must be voted upon in its entirety and cannot be amended.

The report shall be read in full in each house before a vote is taken on the report. The senate and house, within their own bodies, can suspend the reading of a report in full. Each house shall have twenty-four hours from the time of proper receipt, by the chief clerk of the house and the secretary of the senate, to consider reports from a free conference committee. Neither house may vote thereon until the twenty-four hour period shall have elapsed. The clerk and the secretary shall place the reports on the desks of the members as soon as possible. The foregoing provisions relating to twenty-four hour intervals may be suspended by the senate or the house of representatives by a two-thirds vote of the members present, and such suspension shall apply only to the house voting to suspend these provisions.

No floor vote may be taken on any free conference committee report without a summary of additions, changes, and deletions made by the free conference committee with a reference in each instance to the page and line number or numbers in the report containing said additions, changes, or deletions.

\*Requires a constitutional majority. Requires two-thirds on constitutional amendment.

#### MESSAGES BETWEEN THE TWO HOUSES

RULE 12. Messages from the senate to the house of representatives shall be delivered by the secretary or assistant secretary, and messages from the house of representatives to the senate shall be delivered by the chief clerk or assistant.

#### FINAL ACTION ON BILLS, HOW COMMUNICATED

RULE 13. Each house shall communicate its final action on any bill or resolution, or matter in which the other may be interested, in writing, signed by the secretary or clerk of the house from which such notice is sent.

#### ENROLLED BILLS--PRESIDING OFFICER TO SIGN

RULE 14. After a bill shall have passed both houses and all amendments have been carefully engrossed therein, it shall be signed by the presiding officer of each house in open session, first in the house in which it originated. The secretary of the senate or the chief clerk of the house shall present the original bill to the governor for signature, who, after taking action thereon, shall transmit it to the office of the secretary of state.

#### DISPOSITION OF ENROLLED BILLS

RULE 15. Whenever any bill shall have passed both houses, the house transmitting the bill in its final form to the governor shall also file with the secretary of state a copy of the bill together with the history of such bill up to the time of transmission to the governor.

#### TRANSMISSION OF DOCUMENTS

RULE 16. Each house shall transmit to the other all documents on which any bill or resolution may be founded.

#### JOINT AND CONCURRENT RESOLUTIONS: MEMORIALS

RULE 17. All memorials and resolutions from the legislature addressed to the President of the United States, to the Congress or either house thereof, or to the heads of any other branch of the Federal government shall be in the form of joint memorials. Proposed amendments to the state constitution shall be in the form of joint resolutions. Business between the two houses such as joint sessions, adopting or amending joint rules, closing business of the legislature and all such related matters shall be in the form of concurrent resolutions. Joint memorials, joint resolutions, and concurrent resolutions, up to and including the signing thereof by the presiding officer of each house, shall be subject to the rules governing the course of bills.

Concurrent resolutions may be adopted without a roll call. Concurrent resolutions authorizing investigations or authorizing the expenditure or allocation of any money must be adopted by roll call, and the yeas and nays recorded in the journal.

#### AMENDATORY BILLS

RULE 18. All amendatory bills shall refer to the section or sections of the official codes and statutes of Washington, and supplements thereto and to the respective Session Laws, to be amended.

#### AMENDATORY BILLS, HOW DRAWN

RULE 19. Bills introduced in either house intended to amend existing statutes shall have the words which are amendatory to such existing statutes underlined. Any matter to be deleted from the existing statutes shall be indicated by lining out

such matter with a broken line and enclosing the lined out material within double parentheses, and no bill shall be printed or acted upon until the provisions of this rule shall have been complied with.

New sections need not be underlined but shall be designated "NEW SECTION." in upper case type and such designation shall be underlined.

No bill shall be introduced by title only, and, in the event a bill is not complete, at least section 1 shall be set forth in full before the bill may be accepted for introduction.

Amendments to bills will be acted upon in the manner provided in the Rules of the Senate and in the Rules of the House. No amendment to a bill shall be considered which strikes the entire subject matter of a bill, and substitutes in lieu thereof entirely new subject matter not germane to the original or engrossed bill.

#### AMENDMENTS TO STATE CONSTITUTION: ACTION BY LEGISLATURE

RULE 20. Amendments to the state constitution may be proposed in either branch of the legislature by joint resolution; and if the same shall be agreed to by two-thirds of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their respective journals with the ayes and nays thereon. (Const., art. 23, sec. 1.)

#### PUBLICITY OF PROPOSED AMENDMENTS TO STATE CONSTITUTION

RULE 21. The legislature shall provide methods of publicity of all laws or parts of laws, and amendments to the constitution referred to the people with arguments for and against the laws and amendments so referred, so that each voter of the state shall receive the publication as soon as possible before the election at which they are to be voted upon. (Const., art. 2, sec. 1e.)

#### INITIATIVE PETITION BEFORE THE LEGISLATURE

RULE 22. Initiative petitions filed with the secretary of state not less than ten days before any regular session of the legislature shall take precedence over all other measures in the legislature except appropriation bills and shall be either enacted or rejected without change or amendment by the legislature before the end of such regular session.

Upon certification from the secretary of state that an initiative to the legislature has received sufficient valid signatures, the secretary of state shall submit certified copies of the said initiative to the state senate and the house of representatives. Upon receipt of said initiative, each body of the legislature through its presiding officers shall refer the certified copies of the initiative to a proper committee.

Upon receipt of a committee report on an initiative to the legislature, each house shall treat the measure in the same manner as bills, memorials and resolutions, except that initiatives cannot be placed on the calendar for amendment.

After the action of each body has been recorded on the final passage or any other action by resolution or otherwise which may refer the initiative to the people has been recorded, the president and secretary of the senate and the speaker and chief clerk of the house will certify, each for its own body, to the secretary of state the action taken. (Const., art. 2, sec. 1a.)

#### ADJOURNMENT

RULE 23. Neither house shall adjourn for more than three days, nor to any place other than that in which they may be sitting, without the consent of the other. (Const., art. 2, sec. 11.)

#### ADJOURNMENT SINE DIE

RULE 24. Adjournment sine die shall be made only by concurrent resolution.

#### OPERATION OF COMMITTEES DURING INTERIM

RULE 25. During the interim between legislative sessions the membership and structure of each standing committee of each house of the legislature shall be continued for the purpose of studying and making recommendations to any subsequent session.

Each standing committee shall have the following powers and duties:

(1) To perform either through the standing committee as a whole or through subcommittees thereof or select committees thereof all duties and functions customarily delegated to legislative committees acting within the scope of the duties exercised by such committee concerning the subject matter with which the legislative standing committee is generally entrusted during a regular or special legislative session;

(2) To examine and study the administrative organization and procedures of the state government, its officers, boards, committees, commissions, institutions, and other state agencies and to make recommendations where found advisable directed to the elimination of unnecessary overlapping or duplication of functions, procedures, and expenditures and to the promotion of economy and efficiency in state government and as particularly related to the scope of the activities related to the standing legislative committee while the legislature is in session;

(3) To make such other studies and examinations of the state government and its agencies as it may find advisable and to hear complaints, hold hearings, gather information, and make findings of fact with respect thereto within the scope of the activities related to the standing legislative committee while the legislature is in session;

(4) To make reports from time to time to the members of the legislature and to the public with respect to any of its findings and recommendations.

For the purposes above mentioned the Facilities and Operations Committee established in the Senate and a corresponding similar committee in the House of Representatives shall be authorized to select such clerical, legal, accounting, research, and other assistants as may be deemed desirable to work for the standing committees established hereby, and the compensation and salary of such employees shall be fixed by such committees in each respective house subject to such legislative appropriations as shall be or have been made for such purposes by the legislature for the Senate and the House of Representatives respectively.

With reference to the studies and investigations to be undertaken, each standing committee may only study subjects, areas and problems assigned to such committee by the respective house or by the rules committees of the respective house.

During the interim between sessions, proposed committee bills which may be developed as a result of the studies and investigations made by such standing committees may be proposed and filed by such committees, and such proposed committee bills shall bear the signature of a majority of the members of such standing committee. Proposed Senate bills shall be filed with the secretary of the Senate. Proposed House bills shall be filed with the chief clerk of the House.

During the interim between legislative sessions such committee bill proposals shall be printed and referred to the committee on rules.

#### JOINT LEGISLATIVE COMMITTEES

RULE 26. Joint legislative committees may be created by concurrent resolution originating in either house and passed by a majority vote of both houses. These committees shall be subject to the rules and procedures of the House and Senate. The resolution shall set forth all administrative matters including staffing, facilities, travel, budgets and grant applications, receipts and expenditures from non-legislative sources. All personnel matters and all expenditures from any fund source shall be subject to approval by the Senate Facilities and Operations Committee and the House Executive Rules Committee. The procedure for selecting joint committee chairs and vice-chairs and their terms of office shall also be provided by the resolution. Staffing for joint legislative committees shall as much as possible be done through existing legislative staff. When existing staff are assigned to joint legislative committees they shall continue to be paid and reimbursed by the house from which they were assigned.

Joint legislative committees shall have a quorum present to take executive action.

Joint legislative committees may have the powers of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with the provisions of chapter 44.16 RCW. Before a joint legislative committee may issue any process, the committee chairperson shall file with the committee on rules of both houses, a statement of purpose setting forth the name or names of those subject to process. The respective rules committee shall consider every proposed issuance of process at a meeting of the rules committee immediately following the filing of the statement with the committee. The process shall not be issued prior to approval by a majority of the membership of each rules committee. The process shall be limited to the named individuals.

## JOINT COMMITTEE HEARINGS

RULE 27. Whenever any standing, select, or special committee of either house shall desire to arrange for a public hearing upon any subject of legislative study pending before such committee, it shall be the duty of the chairperson of such committee to consult with the chairperson of the corresponding committee of the other house and endeavor to arrange a hearing by the committees of the two houses.

All joint public hearings held by the committees shall be scheduled at least five days in advance, shall be open to the public, and shall be given publicity. The notice and scheduling provision shall not apply to joint hearings held after the tenth day preceding adjournment sine die of any regular session or during any special session.

## EACH HOUSE JUDGE OF ITS OWN MEMBERSHIP

RULE 28. Each house of the legislature is the judge of the qualifications and election of its members, and shall try all contested elections of its members in such manner as it may direct. (Const., art. 2, sec. 8.)

## SESSIONS OF THE LEGISLATURE

RULE 29. The sessions of the legislature shall be held annually, convening at 12:00 o'clock noon on the second Monday of January each year, as provided by RCW 44.04.010 in accordance with art. 2, section 12 of the state Constitution.

## AMENDMENTS TO JOINT RULES

RULE 30. These joint rules may be amended by concurrent resolution agreed to by a majority of the members of each house, provided one day's notice be given of the motion thereof.

## JOINT RULES TO APPLY FOR BIENNIIUM

RULE 31. The permanent joint rules adopted by the legislature shall govern any session called during the same legislative biennium.

## OPEN STANDING COMMITTEE MEETING

RULE 32. During its consideration of or vote on any bill, resolution or memorial, the deliberations of any standing committee of the legislature shall be open to the public in accordance with the rules of each house.

## STANDING COMMITTEES--DUTIES

RULE 33. (1) All standing, select, and special committees of both houses may take executive action on bills in Olympia only. Committee hearings of either house may be held while the legislature is convened and hearings of standing committees may be held during a recessed or interim period.

(2) The rules committee of either house may provide for schedules, locations, or additional meetings of any standing committee of the same house as may be determined necessary.

(3) Subject to the approval of the rules committee of the appropriate house, standing committees, interim subcommittees, and interim select committees may conduct hearings and scheduling without a quorum being present.

## STANDING COMMITTEES--EXPENSES--SUBPOENA POWER

RULE 34. Regardless of whether the legislature is in session, and subject to the provisions of Rule 33 to the extent that it is applicable, members of the legislature and the president of the senate may receive from moneys appropriated for the legislature, reimbursement for necessary travel expenses and payments in lieu of subsistence and lodging for conducting official business of the legislature.

The legislative committees of the senate and of the house of representatives, may have the powers of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with the provisions of chapter 44.16 RCW if and when specifically authorized by the committee on rules of the respective house for specific purposes and for specific subjects in accordance with the authorization of the committee on rules or pursuant to rules established by the respective house.

## COMMITTEE PROCEDURES

RULE 35. Any person whose reputation may be unfairly injured by testimony at a committee hearing shall be given a reasonable opportunity to rebut that testimony. Each committee chairperson shall conduct hearings so as to afford reasonable protection of that right. In addition, any person who believes their reputation

may have been unfairly injured by such testimony shall be entitled, upon submitting a timely request, to (1) an accurate record of the pertinent testimony; (2) an opportunity to voluntarily appear before the committee and testify; and (3) an opportunity to file a sworn written statement of facts or other documents for incorporation into the hearing record.

#### LEGISLATIVE POLLING

RULE 36. The use of public funds by a legislator or legislative employee for legislative polling, including mailed questionnaires, is authorized only when the following criteria are met:

(1) Polling must be authorized by a legislator, and confined to soliciting opinions or facts relative to legislative issues or studies;

(2) The identity of the legislator, legislative committee, or party caucus conducting the poll must be disclosed to the person being polled;

(3) In any year in which a legislator is a candidate for public office, no poll may be conducted by or on behalf of such legislator during the period between June 1st and the general election day of that year or, in the event of a special election, no poll may be conducted by or on behalf of such legislator during the period between either sixty days prior to the election or the date of the filing of the legislator for the office subject to special election, whichever occurs last, and the special election. Such polling is not prohibited during any special legislative session or during the thirty days preceding such session. A legislative committee may authorize or conduct a poll at any time if the poll conforms to subsections (1), (2), and (4) of this rule; and

(4) The polling complies with all other pertinent laws and rules.

#### BILLS TO BE ENGROSSED

RULE 37. Any bill amended in the house of its origin shall be engrossed before being transmitted to the other house. The secretary or clerk of the receiving house, as the case may be, may waive the right to receive an engrossed bill.

#### MOTION

Senator Newhouse moved that the following amendment by Senators Newhouse, Sellar and Hayner be adopted:

On page 5, beginning on line 14, strike all the material through "house." on page 6 line 4 and insert:

#### "FREE CONFERENCE REQUEST

RULE 8. In case of failure of the conferees to agree on matters directly at issue between the two houses, the committee may in addition consider new proposed items within the scope and object (~~of the title~~) of the bill in conference for the purpose of requesting the powers of free conference. A report requesting the powers of free conference shall be made in the same manner as other reports of conference committees and shall set forth the proposed report of a free conference committee, including all amendments to the bill or resolution to be agreed upon by the free conference committee. The proposed report may be in the form of a new bill or resolution and such report must have the signatures of (~~a majority of the~~) five of the six members of the committee (~~appointed from each house~~).

#### FREE CONFERENCE COMMITTEE

RULE 9. Upon request for free conference the power of free conference may be granted by the two houses to the same committee, to whom only the proposed free conference report may be committed, or the committee may be discharged and a new committee appointed with the power of conference, as defined in Joint Rule 6. The report of the committee of free conference shall be acted upon in the same manner as provided for reports of conference committees. The report of a free conference committee must have the signatures of (~~a majority of the~~) five of the six members of the committee (~~appointed from each house~~).

Debate ensued.

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

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendment by Senators Newhouse, Sellar and Hayner.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Newhouse failed and the amendment was not adopted by the following vote: Yeas, 21; nays, 25; excused, 3.

Voting yea: Senators Anderson, Barr, Benitz, Bluechel, Cantu, Decchio, Hayner, Johnson, Kiskaddon, Lee, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, von Reichbauer, West, Zimmerman - 21.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Moore, Owen, Peterson, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 25.

Excused: Senators Bailey, Craswell, McCaslin - 3.

#### MOTION

On motion of Senator Vognild, the rules were suspended, Senate Concurrent Resolution No. 8401 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Concurrent Resolution No. 8401.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Concurrent Resolution No. 8401 and the resolution passed the Senate by the following vote: Yeas, 31; nays, 15; excused, 3.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Cantu, Conner, Decchio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kreidler, McDermott, Moore, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, West, Williams, Wojahn - 31.

Voting nay: Senators Anderson, Benitz, Bluechel, Hayner, Kiskaddon, Lee, McDonald, Metcalf, Nelson, Patterson, Pullen, Saling, Sellar, von Reichbauer, Zimmerman - 15.

Excused: Senators Bailey, Craswell, McCaslin - 3.

SENATE CONCURRENT RESOLUTION NO. 8401, having received the constitutional majority, was declared passed.

#### MOTION

On motion of Senator Vognild, Senate Concurrent Resolution No. 8401 was ordered immediately transmitted to the House of Representatives.

There being no objection, the President Pro Tempore advanced the Senate to the ninth order of business.

#### MOTIONS

On motion of Senator Vognild, the Committee on Judiciary was relieved of further consideration of Senate Bill No. 5042.

On motion of Senator Vognild, Senate Bill No. 5042 was referred to the Committee on Governmental Operations.

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

#### REPORT OF STANDING COMMITTEE

January 15, 1987

SB 5069 Prime Sponsor, Senator Williams: Extending period for the utilities and transportation commission to object to public service companies' budgets. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Williams, Chairman; Owen, Vice Chairman; Nelson, Smitherman, Stratton.

Passed to Committee on Rules for second reading.

#### MOTION

At 12:50 p.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Friday, January 16, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## FIFTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Friday, January 16, 1987

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Barr, Cantu, Craswell and McCaslin. On motion of Senator Zimmerman, Senators Cantu, Craswell and McCaslin were excused.

The Sergeant at Arms Color Guard, consisting of Pages Melissa Hamilton and Cathi Blackburn presented the Colors. Reverend Lee Forstrum, pastor of the Westwood Baptist Church of Olympia, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

January 15, 1987

SB 5035 Prime Sponsor, Senator Kreidler: Extending the interagency committee for outdoor recreation. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass as amended. Signed by Senators Kreidler, Chairman; Rinehart, Vice Chairman; Hansen, Kiskaddon.

Passed to Committee on Rules for second reading.

January 15, 1987

SB 5060 Prime Sponsor, Senator Talmadge: Authorizing transport of intoxicated pedestrians. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Bottiger, Moore, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

January 15, 1987

SB 5062 Prime Sponsor, Senator Talmadge: Establishing information from another officer as probable cause to stop suspected traffic violators. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Bottiger, Moore, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

January 15, 1987

SB 5067 Prime Sponsor, Senator Talmadge: Clarifying enforcement jurisdiction of domestic violence prevention orders. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Bottiger, Moore, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

January 15, 1987

SB 5070 Prime Sponsor, Senator Talmadge: Changing provisions relating to alcohol and drug abuse. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5070 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Moore, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

January 15, 1987

SB 5072 Prime Sponsor, Senator Kreidler: Authorizing the department of ecology to participate in certain hazardous waste programs. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass. Signed by Senators Kreidler, Chairman; Rinehart, Vice Chairman; Hansen, Kiskaddon.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE SECRETARY OF STATE

January 15, 1987

The Honorable,  
President of the Senate  
The Legislature of the State of Washington  
Olympia, Washington  
Mr. President:

As required by Article II, Section 1, of the State Constitution and RCW 29.79.200, we herewith respectfully transmit the certification of the sufficiency of Initiative to the Legislature 92, a copy of the full, true and complete text of which was certified to you on January 12, 1987.

Sincerely,  
RALPH MUNRO, Secretary of State

CERTIFICATION OF INITIATIVE TO THE LEGISLATURE 92

Pursuant to Article II, Section 1 of the Washington State Constitution, RCW 29.79.200, and WAC 434-79-010, the office of the Secretary of State has caused the signatures submitted in support of Initiative to the Legislature 92 to be examined in the following manner:

1) It was determined that 219,716 signatures were submitted by the sponsors thereof. A random sample of 15,779 signatures was taken from those submitted;

2) Each sampled signature was examined to determine the following: a) if the signer was a registered voter of the state at the address indicated on the petition; b) if the signature was reasonably similar to the one appearing on the record of that voter; c) if the same signature appeared more than once in the sample. We found 13,999 valid signatures, 1,689 signatures invalid due to non-registration or improper form, and 91 pairs of duplicated signatures in the sample;

3) We calculated an allowance for the chance error of sampling (62) by multiplying the square root of the number of invalid signatures by 1.5;

4) We estimated the upper limit of the number of signatures on the initiative petition which were invalid (24,382) by dividing the sum of the number of invalid signatures in the sample and the allowance for the chance error of sampling by the sampling ratio;

5) We determined the maximum allowable number of pairs of signatures on the petition (29,087) by subtracting the sum of 110% of the number of signatures required by Article II, section 1 of the Washington State Constitution (166,247) and the estimate of the upper limit of the number of invalid signatures on the petition from the number of signatures submitted;

6) We determined the expected number of pairs of signatures in the sample (150) by multiplying the square of the sampling ratio by the maximum allowable number of pairs of signatures on the initiative petition;

7) We determined the acceptable number of pairs of signatures in the sample (129) by subtracting 1.65 times the square root of the expected number of pairs of signatures in the sample from the expected number of pairs of signatures in the sample; and

8) Since the number of pairs of signatures in the sample is less than the acceptable number of pairs of signatures in the sample, I hereby declare Initiative to the Legislature 92 to be sufficient.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed this fifteenth day of January, A.D., 1987.

(Seal)

RALPH MUNRO, Secretary of State

INTRODUCTION AND FIRST READING

SB 5113 by Senators Peterson, Bender, McDermott, Kreidler, Vognild, Fleming, Bauer, DeJarnatt, Stratton, Garrett, Rasmussen and Moore

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

Referred to Committee on Transportation.

SB 5114 by Senators Peterson, Bender, Kreidler, Deccio, Fleming, Vognild, Saling, Bauer, DeJarnatt, Nelson, Barr, Rasmussen, Moore and Johnson

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

Referred to Committee on Transportation.

SB 5115 by Senators Bender, Peterson, Owen, McDermott, Kreidler, Newhouse, Vognild, Bauer, Saling, DeJarnatt, Stratton, Barr, Lee, Garrett, Rasmussen, Moore, Johnson and Deccio

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

Referred to Committee on Transportation.

SB 5116 by Senators Fleming, Peterson, Bauer and Moore

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

Referred to Committee on Transportation.

SB 5117 by Senator Barr

AN ACT Relating to livestock; and amending RCW 16.13.010.

Referred to Committee on Agriculture.

SB 5118 by Senators Saling and Lee

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

Referred to Committee on Transportation.

SB 5119 by Senators Saling, Owen, Newhouse, Johnson, Deccio, Stratton, Nelson, Lee and Rasmussen

AN ACT Relating to corrections; and adding a new chapter to Title 72 RCW.

Referred to Committee on Human Services and Corrections.

SB 5120 by Senators Peterson, Hansen, Barr, Metcalf, Garrett, Bender, von Reichbauer, Sellar and Patterson

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

Referred to Committee on Transportation.

SB 5121 by Senators Saling, Stratton, Johnson, Deccio, Bauer, Barr and Lee

AN ACT Relating to controlled substances; amending RCW 69.50.401; and prescribing penalties.

Referred to Committee on Judiciary.

- SB 5122** by Senators Owen, DeJarnatt and Stratton  
AN ACT Relating to aquaculture; and adding new sections to chapter 79.90 RCW.  
Referred to Committee on Natural Resources.
- SB 5123** by Senators Hansen, Patterson, Peterson, Conner, Saling, Benitz and Barr  
AN ACT Relating to highway advertising control; and amending RCW 47.42.020.  
Referred to Committee on Transportation.
- SB 5124** by Senators Peterson, Conner, Patterson, DeJarnatt, Hansen and Garrett  
AN ACT Relating to impoundment and disposition of unauthorized, abandoned, junk, and other vehicles; amending RCW 46.55.010, 46.55.030, 46.55.060, 46.55.070, 46.55.080, 46.55.090, 46.55.100, 46.55.110, 46.55.120, 46.55.130, 46.55.140, 46.55.150, 46.55.170, 46.55.210, 46.55.220, 46.55.230, and 46.55.240; adding new sections to chapter 46.55 RCW; repealing RCW 46.61.562, 46.61.563, 46.61.564, 46.61.565, and 46.61.567; and prescribing penalties.  
Referred to Committee on Transportation.
- SB 5125** by Senators Owen, Bottiger and Moore  
AN ACT Relating to negligent discharge of firearms; adding a new section to chapter 9.41 RCW; defining crimes; and prescribing penalties.  
Referred to Committee on Judiciary.
- SB 5126** by Senators Owen, Metcalf and Stratton  
AN ACT Relating to licensing; amending RCW 75.25.150 and 75.25.160; adding a new section to chapter 75.25 RCW; and prescribing penalties.  
Referred to Committee on Natural Resources.
- SB 5127** by Senators Peterson, Conner and Moore  
AN ACT Relating to certificates of delinquency; and amending RCW 84.64.050.  
Referred to Committee on Ways and Means.
- SB 5128** by Senators Talmadge, Halsan, Hayner, Rasmussen and von Reichbauer  
AN ACT Relating to property tax valuation appeals; and adding a new section to chapter 84.40 RCW.  
Referred to Committee on Ways and Means.
- SB 5129** by Senators Talmadge, Garrett, Lee and Stratton  
AN ACT Relating to the First Avenue South bridge; and adding a new section to chapter 47.56 RCW.  
Referred to Committee on Transportation.
- SB 5130** by Senators Warnke and Conner  
AN ACT Relating to club class H licensees' authority to sell liquor by the bottle to registered guests for consumption in guest rooms, hospitality rooms, or at banquets in the club and to the removal thereof from the premises; and amending RCW 66.24.400.  
Referred to Committee on Commerce and Labor.
- SB 5131** by Senators Warnke, Lee, Wojahn, Vognild, Smitherman, Newhouse and McDonald (by request of Joint Select Committee on Unemployment Compensation and Insurance)  
AN ACT Relating to employment data; adding a new section to chapter 50.12 RCW; and creating new sections.  
Referred to Committee on Commerce and Labor.
- SB 5132** by Senators Warnke, Lee, Vognild, Newhouse, Wojahn, McDonald, Stratton, Nelson and Deccio (by request of Joint Select Committee on Unemployment Compensation and Insurance)

AN ACT Relating to studies of public assistance recipients; adding a new chapter to Title 74 RCW; and creating a new section.

Referred to Committee on Human Services and Corrections.

SB 5133 by Senators Warnke, Owen and Smitherman

AN ACT Relating to real estate licenses; and amending RCW 18.85.230 and 46.70.021.

Referred to Committee on Commerce and Labor.

SB 5134 by Senator Owen

AN ACT Relating to taxation of conveyances; and amending RCW 82.20.010.

Referred to Committee on Ways and Means.

SB 5135 by Senator Owen

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

Referred to Committee on Natural Resources.

SB 5136 by Senators Owen, Bender, Warnke, Conner, Stratton and Garrett

AN ACT Relating to motor vehicle license plates; and adding a new section to chapter 46.16 RCW.

Referred to Committee on Transportation.

SB 5137 by Senators Owen and Gaspard

AN ACT Relating to mushrooms; adding a new section to chapter 79.01 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Natural Resources.

SB 5138 by Senators McDermott, McDonald, Hayner, Lee and Rasmussen

AN ACT Relating to the confidentiality of information received under tax deferral and tax credit programs; adding a new section to chapter 82.60 RCW; adding a new section to chapter 82.61 RCW; and adding a new section to chapter 82.62 RCW.

Referred to Committee on Ways and Means.

SB 5139 by Senators McDermott and Rasmussen (by request of Office of Code Reviser)

AN ACT Relating to the consolidation of the cigarette tax statutes; amending RCW 82.24.020, 82.24.070, 82.24.260, 82.02.030, and 82.32.265; and repealing RCW 28A.47.440 and 82.24.025.

Referred to Committee on Ways and Means.

SB 5140 by Senators Talmadge, Newhouse, McDermott, Moore and Hayner

AN ACT Relating to judicial retirement; amending RCW 2.10.040, 2.10.100, 2.10.140, 2.12.030, 41.40.010, 41.40.620, 41.40.650, and 41.40.330; adding new sections to chapter 2.10 RCW; adding new sections to chapter 2.12 RCW; adding new sections to chapter 41.40 RCW; and repealing RCW 2.10.150, 2.10.160, and 2.12.040.

Referred to Committee on Ways and Means.

SB 5141 by Senators Talmadge and Newhouse

AN ACT Relating to liability of directors of nonprofit corporations; and amending RCW 24.03.025.

Referred to Committee on Judiciary.

SB 5142 by Senators Talmadge, Lee, Bottiger, Moore and Rinehart

AN ACT Relating to protection from harassment; reenacting and amending RCW 10.31.100; adding a new chapter to Title 10 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5143 by Senators Talmadge, Newhouse and Kreidler

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

Referred to Committee on Judiciary.

SB 5144 by Senators Hansen, Barr and Gaspard (by request of Department of Agriculture)

AN ACT Relating to regulation of fertilizers and pesticides; amending RCW 15.54.270, 15.54.272, 15.54.276, 15.54.280, 15.54.320, 15.54.340, 15.54.350, 15.54.370, 15.54.380, 15.54.390, 15.54.400, 15.54.420, 15.54.440, and 15.58.150; adding new sections to chapter 15.54 RCW; adding a new section to chapter 42.17 RCW; creating new sections; repealing RCW 15.54.310, 15.54.360, and 15.54.410; and prescribing penalties.

Referred to Committee on Agriculture.

SB 5145 by Senators Talmadge, Moore and Garrett

AN ACT Relating to graffiti; amending RCW 35.87A.010; adding a new section to chapter 26.28 RCW; adding a new section to chapter 82.14 RCW; and prescribing penalties.

Referred to Committee on Governmental Operations.

SB 5146 by Senators Smitherman, von Reichbauer, Tanner, Zimmerman and Bauer

AN ACT Relating to life insurance coverage for port district commissioners; and amending RCW 53.08.170.

Referred to Committee on Governmental Operations.

SB 5147 by Senators Hansen, Rasmussen, Bauer, Barr, Patterson, Johnson and Pullen

AN ACT Relating to public utility and transportation corridors; and repealing RCW 64.04.180 and 64.04.190.

Referred to Committee on Transportation.

SB 5148 by Senators Haisan, Zimmerman, Rasmussen, Newhouse, Garrett, Pullen, Conner, Bauer, McCaslin, DeJarnatt, McDonald, Bluechel, Kreidler, Nelson, Tanner, Stratton, Wojahn, Barr, Lee, Gaspard, von Reichbauer, Moore, Cantu and Deccio (by request of Department of Services for the Blind)

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

Referred to Committee on Governmental Operations.

SB 5149 by Senators Conner, DeJarnatt, Tanner, Owen, Newhouse and von Reichbauer (by request of Office of the Administrator for the Courts)

AN ACT Relating to the court of appeals; and amending RCW 2.06.040.

Referred to Committee on Judiciary.

SB 5150 by Senators Gaspard, Johnson, Vognild, Warnke, Saling, Nelson, Lee, Garrett, von Reichbauer and Moore

AN ACT Relating to the portability of public employment retirement benefits; amending RCW 41.04.270; adding a new chapter to Title 41 RCW; adding a new section to chapter 41.04 RCW; creating a new section; making an appropriation; declaring an emergency; and providing effective dates.

Referred to Committee on Ways and Means.

SB 5151 by Senators McDermott, Newhouse, Warnke, Saling, Hayner, Moore, Deccio and Bauer

AN ACT Relating to the public employees' insurance board; amending RCW 41.05-.005, 41.05.010, 41.05.025, 41.05.030, 41.05.040, 41.05.050, 41.05.070, 41.04.205, 41.04.230, 41.40.380, 47.64.270, 48.24.010, and 70.14.010; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5152 by Senators Bauer, Bailey, Gaspard, Zimmerman, Rinehart, Saling, Patterson, Bender and Warnke

AN ACT Relating to teacher preparation; creating new sections; making an appropriation; providing an expiration date; and declaring an emergency.

Referred to Committee on Education.

SB 5153 by Senator Owen

AN ACT Relating to transfer of game commission lands; amending RCW 77.12.170, 77.12.200, 77.12.203, 77.12.210, and 77.12.230; reenacting and amending RCW 77.12.201; adding a new section to chapter 77.12 RCW; adding new sections to chapter 79.01 RCW; and creating a new section.

Referred to Committee on Natural Resources.

SB 5154 by Senator Owen

AN ACT Relating to financial institutions; and adding new sections to chapter 19.62 RCW.

Referred to Committee on Financial Institutions.

SB 5155 by Senators Bluechel and Gaspard

AN ACT Relating to the transfer or annexation of territory from a school district; amending RCW 28A.57.060; adding new sections to chapter 28A.57 RCW; and making appropriations.

Referred to Committee on Education.

SB 5156 by Senators Bluechel, Kreidler and Garrett

AN ACT Relating to flood control zones; and adding a new section to chapter 86.16 RCW.

Referred to Committee on Parks and Ecology.

SB 5157 by Senators Owen, Pullen, Warnke, Metcalf, Garrett, Barr and Deccio

AN ACT Relating to hunting; and amending RCW 77.12.040.

Referred to Committee on Natural Resources.

SB 5158 by Senator Owen

AN ACT Relating to establishing a mediation process to settle Indian tribal shellfish harvesting claims and regulating commercial shellfish harvesting; adding a new section to chapter 75.08 RCW; adding a new section to chapter 75.10 RCW; adding new sections to chapter 75.24 RCW; adding a new section to chapter 75.28 RCW; creating a new section; prescribing penalties; and making an appropriation.

Referred to Committee on Natural Resources.

SB 5159 by Senator DeJarnatt

AN ACT Relating to the Puget Island-Westport ferry; amending RCW 47.56.720; declaring an emergency; and providing an effective date.

Referred to Committee on Transportation.

SB 5160 by Senators Tanner, Wojahn, Stratton, Kreidler, Vognild, Lee and Moore

AN ACT Relating to poisons and hazardous substances; and adding a new section to chapter 70.106 RCW.

Referred to Committee on Human Services and Corrections.

SB 5161 by Senators Wojahn, Stratton, Kiskaddon, Deccio, Kreidler, Johnson, Anderson and Tanner

AN ACT Relating to state hospital purchasing authority; and amending RCW 43.19.190 and 43.19.1906.

Referred to Committee on Human Services and Corrections.

SB 5162 by Senators Kreidler, Kiskaddon, Wojahn, Deccio and Johnson

AN ACT Relating to the regulation of health and health-related professions; amending RCW 18.35.110, 18.35.161, 18.35.190, 18.35.220, 18.52.100, 18.83.135, 18.83.155, and 18.83.180; reenacting and amending RCW 18.130.040; adding a new section to chapter 18.35 RCW; adding a new section to chapter 18.52 RCW; adding new sections to chapter 18.83 RCW; creating a new section; and repealing RCW 18.35.210, 18.52.055, 18.52.065, 18.52.090, 18.52.120, 18.52.150, 18.52.155, 18.83.120, 18.83.130, 18.83.145, 18.83.161, and 18.83.165.

Referred to Committee on Human Services and Corrections.

SB 5163 by Senator Wojahn

AN ACT Relating to midwifery; amending RCW 18.50.010, 18.50.040, and 18.50.060; adding a new section to chapter 18.50 RCW; and repealing RCW 43.131.297 and 43.131.298.

Referred to Committee on Human Services and Corrections.

SB 5164 by Senators Williams, Stratton, Tanner, Bauer, Bender, Conner, DeJarnatt, Halsan, Hansen, Talmadge, Garrett, Gaspard, Rasmussen, Wojahn, Owen, Smitherman, Rinehart, Peterson and Moore

AN ACT Relating to transportation of radioactive materials; and adding a new chapter to Title 43 RCW.

Referred to Committee on Energy and Utilities.

SB 5165 by Senators Williams, Stratton, Tanner, Bauer, Bender, Conner, DeJarnatt, Halsan, Talmadge, Garrett, Gaspard, Rasmussen, Rinehart, Wojahn, Smitherman, Owen, Peterson and Moore

AN ACT Relating to radioactive materials; adding a new chapter to Title 70 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Energy and Utilities.

SB 5166 by Senators Wojahn, Lee, Warnke, Smitherman, Fleming, Gaspard and Talmadge

AN ACT Relating to unfair practices by residential landlords and tenants; and adding a new section to chapter 59.18 RCW.

Referred to Committee on Judiciary.

SB 5167 by Senator Wojahn

AN ACT Relating to sales and use taxation; amending RCW 82.08.010; and reenacting and amending RCW 82.12.010.

Referred to Committee on Ways and Means.

SCR 8402 by Senators Bottiger and Fleming

Establishing cutoff dates for the 1987 legislative session.

Hold.

#### MOTION

On motion of Senator Vognild, the rules were suspended, Senate Concurrent Resolution No. 8402 was advanced to second reading and read the second time.

#### SENATE CONCURRENT RESOLUTION NO. 8402

WHEREAS, It is of paramount importance to establish cutoff dates for the consideration of legislation during the 1987 Regular Session of the Fiftieth Legislature;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, the House of Representatives concurring, That all executive and agency request bills, memorials, and joint resolutions to be considered by the Legislature shall be on the request list of the Code Reviser's Office by 3:00 p.m. on Friday, January 30, 1987, the nineteenth day; and

BE IT FURTHER RESOLVED, That Friday, February 6, 1987, the twenty-sixth day, under the proper order of business, shall be the final day for introduction of executive and agency request bills, memorials, and joint resolutions; and

BE IT FURTHER RESOLVED, That Friday, March 6, 1987, the fifty-fourth day, shall be the final day to read in committee reports of Senate bills, memorials, and joint

resolutions in the Senate with the exception of budgets and matters necessary to implement budgets and committee reports from the ways and means committee; and House bills, memorials, and joint resolutions in the House with the exception of budgets and matters necessary to implement budgets and committee reports from the ways and means committee; and

BE IT FURTHER RESOLVED, That Monday, March 9, 1987, the fifty-seventh day, shall be the final day to read in committee reports except budgets and matters necessary to implement budgets from the ways and means committees of the original houses; and

BE IT FURTHER RESOLVED, That commencing at 5:00 p.m. on Friday, March 20, 1987, the sixty-eighth day, except for budgets and matters necessary to implement budgets, the Senate will only consider House bills, memorials, and joint resolutions, and the House will only consider Senate bills, memorials, and joint resolutions; and

BE IT FURTHER RESOLVED, That Friday, April 3, 1987, the eighty-second day, shall be the final day to read in committee reports of House bills, memorials, and joint resolutions in the Senate with the exception of budgets and matters necessary to implement budgets and committee reports from the ways and means committee; and Senate bills, memorials, and joint resolutions in the House with the exception of budgets and matters necessary to implement budgets and committee reports from the ways and means committee; and

BE IT FURTHER RESOLVED, That Monday, April 6, 1987, the eighty-fifth day, shall be the last day to read in committee reports except budgets and matters necessary to implement budgets from the ways and means committees; and

BE IT FURTHER RESOLVED, That after 5:00 p.m. on Friday, April 17, 1987, the ninety-sixth day of the session, neither the Senate nor the House may consider any bills except budgets and matters necessary to implement budgets, messages pertaining to amendments, matters of differences between the two houses, conference and free conference reports, and matters incident and pertaining to the interim and to the closing of the business of the 1987 Regular Session of the Legislature.

#### MOTION

On motion of Senator Vognild, the rules were suspended, Senate Concurrent Resolution No. 8402 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

#### POINT OF INQUIRY

Senator Pullen: "Senator Vognild, my question is on page 2, lines 9 through 12, where the resolution says that 'April 6, 1987, shall be the last day to read in committee reports except budgets and matters necessary to implement budgets from the Ways and Means Committee.' That language seems somewhat vague and I was wondering if it was your intention that that would include any bill that has any fiscal impact whatsoever?"

Senator Vognild: "No, Senator it does not. In fact, we changed the language hoping to tighten it up. If you will recall, the previous language was 'bills related to the budget.' That left open most any bill that had a fiscal impact. This is confined to bills that are necessary to implement the budget."

The President declared the question before the Senate to be adoption of Senate Concurrent Resolution No. 8402.

Senate Concurrent Resolution No. 8402 was adopted on a voice vote.

#### MOTION

On motion of Senator Vognild, Senate Concurrent Resolution No. 8402 was ordered immediately transmitted to the House of Representatives.

#### MOTION

At 10:15 a.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Monday, January 19, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## EIGHTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Monday, January 19, 1987

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Fleming and Rasmussen. On motion of Senator Bender, Senators Fleming and Rasmussen were excused.

The Sergeant at Arms Color Guard, consisting of Pages Holly Hirschfield and Matthew Chapman presented the Colors. Reverend Peter Mans, pastor of the Christian Reformed Church of Olympia, offered the prayer.

#### MOTION

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

#### INTRODUCTION AND FIRST READING

SB 5168 by Senators Hansen, Barr, Gaspard, Anderson and Bailey

AN ACT Relating to crop liens; amending RCW 60.11.040; and declaring an emergency.

Referred to Committee on Agriculture.

SB 5169 by Senators Hansen, Barr, Gaspard, Bauer, Anderson, Bailey, Warnke, Patterson and von Reichbauer

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

Referred to Committee on Agriculture.

SB 5170 by Senators Hansen, Barr, Gaspard, Bauer, Bailey, Benitz and Patterson

AN ACT Relating to agricultural fees and assessments; and amending RCW 15.13.280, 15.13.310, and 15.13.470.

Referred to Committee on Agriculture.

SB 5171 by Senators Hansen, Barr, Gaspard, Bauer, Anderson and Bailey

AN ACT Relating to livestock; and adding a new section to chapter 16.24 RCW.

Referred to Committee on Transportation.

SB 5172 by Senators Talmadge, Nelson, Halsan, Hayner, Newhouse and Moore

AN ACT Relating to victims or witnesses of crimes; amending RCW 7.68.035, 9.94A-.140, 9.94A.142, and 13.40.190; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5173 by Senators Hansen, Bauer, Gaspard, Warnke, Deccio and Lee

AN ACT Relating to mediation; amending RCW 62A.9-501 and 61.30.030; adding a new section to chapter 6.04 RCW; adding a new section to chapter 61.12 RCW; and adding a new chapter to Title 7 RCW.

Referred to Committee on Agriculture.

SB 5174 by Senators Hansen, Barr, Gaspard, Bauer, Anderson, Bailey, Warnke, Lee and von Reichbauer

AN ACT Relating to investment by the state investment board in the Washington land bank; amending RCW 31.30.070 and 43.33A.080; and repealing RCW 31.30.080.

Referred to Committee on Agriculture.

SB 5175 by Senators Hansen, Barr, Bauer, Benitz, Newhouse, Bailey and Patterson

AN ACT Relating to farm and agricultural land; and amending RCW 84.34.020.

Referred to Committee on Agriculture.

SB 5176 by Senators Hansen, Barr, Gaspard, Bauer, Benitz, Newhouse and Bailey

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

Referred to Committee on Agriculture.

SB 5177 by Senator Kreidler

AN ACT Relating to protecting animals from cruel treatment; amending RCW 16.52-.070, 16.52.160, and 16.52.180; adding a new section to chapter 16.52 RCW; repealing RCW 16.52.085; and prescribing penalties.

Referred to Committee on Agriculture.

SB 5178 by Senators Moore, Metcalf, Bender, Johnson, Smitherman, Pullen, Newhouse and Fleming

AN ACT Relating to commodities; amending RCW 21.30.010, 21.30.040, 21.30.230, 21.30.240, 21.30.280, and 21.30.290; and creating a new section.

Referred to Committee on Financial Institutions.

SB 5179 by Senators Rinehart, Saling, Halsan, Johnson, Warnke and Lee

AN ACT Relating to public printing; and amending RCW 43.78.030.

Referred to Committee on Governmental Operations.

SB 5180 by Senators Rinehart, Saling and Stratton

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

Referred to Committee on Governmental Operations.

SB 5181 by Senator Tanner

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

Referred to Committee on Judiciary.

SB 5182 by Senators Hansen, Barr, Gaspard, Bauer, Anderson, Bailey, Lee and Patterson

AN ACT Relating to the administration of the business and occupation tax statutes; and adding a new section to chapter 82.32 RCW.

Referred to Committee on Agriculture.

SB 5183 by Senators Hansen, Barr, Gaspard, Bauer, Anderson and Bailey

AN ACT Relating to business and occupation taxation of manufacturers; and amending RCW 82.04.120.

Referred to Committee on Agriculture.

SB 5184 by Senators Hansen, Barr, Gaspard, Bauer, Stratton, Bailey, Benitz and Patterson

AN ACT Relating to agricultural property tax deferrals; amending RCW 84.38.020, 84.38.040, 84.38.050, 84.38.070, 84.38.080, 84.38.090, 84.38.130, and 84.38.150; and adding new sections to chapter 84.38 RCW.

Referred to Committee on Agriculture.

SB 5185 by Senators Owen, Pullen, Tanner, Nelson, Vognild, Talmadge, von Reichbauer, Garrett and Johnson

AN ACT Relating to game hunters; amending RCW 77.16.310; adding new sections to chapter 77.16 RCW; and prescribing penalties.

Referred to Committee on Natural Resources.

SB 5186 by Senators Williams, Pullen, Nelson and Moore

AN ACT Relating to public disclosure by politically active nonprofit organizations; amending RCW 42.17.020; reenacting and amending RCW 42.17.240; and adding new sections to chapter 42.17 RCW.

Referred to Committee on Judiciary.

**SB 5187** by Senators Kreidler and Talmadge

AN ACT Relating to explosives and destructive devices; amending RCW 9A.32.030; adding a new chapter to Title 9A RCW; adding new sections to chapter 70.74 RCW; adding a new section to chapter 70.98 RCW; repealing RCW 9.61.160, 9.61.170, and 9.61.180; and prescribing penalties.

Referred to Committee on Judiciary.

**SB 5188** by Senators Kreidler, Talmadge and DeJarnatt

AN ACT Relating to revenue and taxation; amending RCW 83.100.030 and 83.100.040; adding a new chapter to Title 83 RCW; adding a new section to chapter 83.100 RCW; and creating a new section.

Referred to Committee on Ways and Means.

**SB 5189** by Senators Owen, Conner, Patterson, Barr and Nelson

AN ACT Relating to recreational fishing licenses; amending RCW 75.25.110; adding new sections to chapter 77.12 RCW; and providing an effective date.

Referred to Committee on Natural Resources.

**SB 5190** by Senators DeJarnatt and Conner

AN ACT Relating to public employee retirement; and amending RCW 41.40.150.

Referred to Committee on Ways and Means.

**SB 5191** by Senators Kreidler and Warnke

AN ACT Relating to the redesignation of the Washington state commission on Mexican-American affairs; and amending RCW 43.115.010, 43.115.020, 43.115.030, 43.115.050, 43.115.060, and 43.03.028.

Referred to Committee on Governmental Operations.

**SB 5192** by Senators Owen, Deccio, Warnke, Metcalf, Hansen, Johnson, Conner, Nelson and Bauer

AN ACT Relating to financial institutions; amending RCW 48.17.060; and declaring an emergency.

Referred to Committee on Financial Institutions.

**SB 5193** by Senators Peterson, Sellar, Stratton and Barr

AN ACT Relating to mining on public lands; amending RCW 79.01.616, 79.01.618, 79.01.620, 79.01.624, 79.01.628, 79.01.632, 79.01.633, 79.01.634, 79.01.640, 79.01.644, 79.01.650, and 79.90.330; adding new sections to chapter 79.01 RCW; and repealing RCW 79.01.636.

Referred to Committee on Natural Resources.

**SB 5194** by Senators Talmadge and Newhouse (by request of Department of Licensing)

AN ACT Relating to fees under the Uniform Commercial Code; and amending RCW 62A.9-302, 62A.9-403, 62A.9-405, 62A.9-406, 62A.9-407, 62A.9-409, and 60.13.040.

Referred to Committee on Judiciary.

**SB 5195** by Senators Moore, Bender and Metcalf (by request of Insurance Commissioner)

AN ACT Relating to insurance; and amending RCW 48.04.140, 48.07.150, 48.14.010, 48.14.040, 48.17.150, 48.17.230, 48.17.490, 48.17.540, 48.30.157, and 48.30.260.

Referred to Committee on Financial Institutions.

**SB 5196** by Senators Moore, Bender and Metcalf (by request of Insurance Commissioner)

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

Referred to Committee on Financial Institutions.

SB 5197 by Senators Gaspard, Rinehart, Saling, Bender, Peterson, Stratton, Conner, Bauer, von Reichbauer and Moore

AN ACT Relating to the community college international student exchange program for students of foreign nations; and adding new sections to chapter 28B.15 RCW.

Referred to Committee on Education.

SB 5198 by Senators Nelson, Anderson, Williams, Conner and Kiskaddon

AN ACT Relating to the jurisdictional amount of the small claims department of the district court; and amending RCW 12.40.010.

Referred to Committee on Judiciary.

SB 5199 by Senators Halsan, Zimmerman and DeJarnatt

AN ACT Relating to taxing district boundary changes; and amending RCW 84.09.030.

Referred to Committee on Governmental Operations.

SB 5200 by Senators Nelson, Vognild, Talmadge, Warnke and Moore

AN ACT Relating to business and occupation taxation of adult family homes; adding a new section to chapter 82.04 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5201 by Senator Halsan (by request of Attorney General)

AN ACT Relating to conflicts of interest; amending RCW 42.18.230; adding new sections to chapter 42.18 RCW; and repealing RCW 42.18.160 and 42.18.220.

Referred to Committee on Governmental Operations.

SB 5202 by Senators Talmadge, Zimmerman, Wojahn and Lee (by request of Legislative Budget Committee)

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

Referred to Committee on Governmental Operations.

SB 5203 by Senators Gaspard, Benitz, McDermott, Bailey, Bauer, Johnson, Bender, Saling, Smitherman, Warnke, Rinehart, von Reichbauer, Barr, Garrett and Moore (by request of Commission for Vocational Education)

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

Referred to Committee on Education.

SJM 8001 by Senators Rasmussen, Barr and Bauer

Petitioning Congress and the President to deny a rate increase for the Bonneville Power Administration.

Referred to Committee on Energy and Utilities.

SJR 8205 by Senators Rinehart, Patterson, Vognild, Conner and Wojahn

Creating a new state tax system.

Referred to Committee on Ways and Means.

SJR 8206 by Senators Vognild, Bluechel, Warnke, Zimmerman, Patterson, Rinehart, Williams and Conner

Lengthening legislative terms.

Referred to Committee on Governmental Operations.

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

#### SECOND READING

SENATE BILL NO. 5016, by Senators Newhouse, Talmadge, Halsan and West (by request of Statute Law Committee)

Revising terminology resulting from the Rules of Appellate Procedure.

The bill was read the second time.

#### MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 5016 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Metcalf: "Senator Talmadge, I am not on the Judiciary Committee this year and I am really interested in this bill. I would like you to give us an example. I am really nervous about judge's rulings overruling our law and I am really concerned about that. I have a feeling that this is a case that if I really understood it thoroughly, and I had been on the Judiciary Committee, I wouldn't be concerned because I don't think they are writing law.

"I would like you to give an example of the kind of thing we are doing, and you know me pretty well and my views, are there any there that I would object to where they are going a little bit beyond and making the ruling that gets into law?"

Senator Talmadge: "I don't think so, Senator Metcalf. To be specific for example, right now there are really two forms of appellate review of earlier cases. There is appeal that is a matter of right where a judgment has actually been entered and there is something that is called discretionary review where somebody is appealing from say, a decision about whether or not you can have access to this kind of record or that kind of record. The statute talks in terms of an appeal in both instances. That was not intended. It was meant to be actual appeals when a judgment is entered, but discretionary review in other circumstances, so the courts can kind of look at the circumstance to see if it is something that is all that significant that it requires their involvement in what the lower court did.

"The language is basically something that has been used in the rules for about ten years now. I don't think there is anything of a substitutive nature that we are talking about. We retain for ourselves the right to set the time periods and all of the other more important requirements of the appeals process. The only thing I can think of is basically that kind of differentiation between appeals is a matter of right on discretionary review and that is something I think is appropriate. We have sanctioned it before."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5016.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5016 and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; excused, 2.

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

Voting nay: Senators Barr, Deccio - 2.

Excused: Senators Fleming, Rasmussen - 2.

SENATE BILL NO. 5016, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

## MOTION

Senator McDermott moved that the following resolution be adopted:

## SENATE RESOLUTION 1987-8603

by Senators Fleming, McDermott, Wojahn, Smitherman, Gaspard, Sellar, Conner, Warnke, Bender, Talmadge, Lee, Johnson, Rinehart, Bailey, Metcalfe, McDonald and Garrett

WHEREAS, Dr. Martin Luther King, Jr., gained national prominence in the 1950's and 1960's leading a nation's conscience to achieve equality and justice for all through non-violent methods; and

WHEREAS, Dr. King began a career as the leader of the Montgomery, Alabama, bus boycott in 1956 which brought national attention to the plight of minority races; and

WHEREAS, Dr. King led a massive march on Washington, D.C. in 1963, and the world watched and listened to his "Dream" of equality for all races; and

WHEREAS, Dr. King was awarded the Nobel Peace Prize in 1964 for his work to awaken the conscience of this nation and all the world; and

WHEREAS, Dr. Martin Luther King died a national and world hero at the hands of an assassin on April 4, 1968 in Memphis, Tennessee, but his "Dream" did not die, but rather, has grown in strength during the 19 years since his death; and

WHEREAS, The United States of America and numerous states including Washington State, began last year an annual commemoration of Dr. King's life, his accomplishments and his inspiration for future generations to be celebrated on the third Monday of the first month each year;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the life and work of Dr. Martin Luther King, Jr. on this day, Monday, January 19, 1987, Martin Luther King Day. Like last year, we celebrate this national and state holiday throughout the state of Washington as a day on which all Washingtonians might reflect on the meaning of peace and justice for all citizens of the state, the nation and the world, an ideal that directed Martin Luther King throughout his life; and

BE IT FURTHER RESOLVED, That the Washington State Senate issue this resolution in recognition of the significant contributions Dr. King has made to all mankind, and recognize this solemn occasion commemoration the birth and life of Dr. Martin Luther King, Jr.

## MOTION

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

On page 1, next to the last line, strike "commemoration" and insert (~~commemoration~~) commemorating

Senators McDermott, Wojahn, Zimmerman and Lee spoke in favor of the resolution.

The President declared the question before the Senate to be adoption of Senate Resolution 1987-8603, as amended.

Senate Resolution 1987-8603, as amended, was adopted on a voice vote.

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

## MOTIONS

On motion of Senator Vognild, the Committee on Human Services and Correction was relieved of further consideration of Senate Bill No. 5132.

On motion of Senator Vognild, Senate Bill No. 5132 was referred to the Committee on Commerce and Labor.

On motion of Senator Vognild, the Committee on Judiciary was relieved of further consideration of Senate Bill No. 5166.

On motion of Senator Vognild, Senate Bill No. 5166 was referred to the Committee on Commerce and Labor.

## PERSONAL PRIVILEGE

Senator Bottiger: "Mr. President, in stretching a point of personal privilege, I thought I would report on the ski race. This year Senator Bluechel and I took Senator Smitherman, who is an absolute turkey, with us. Smitherman claimed that he has an old war wound or football injury to his knee and was really not in it, but Senator Bluechel violated the rules and went out and bought new racing skis and boots, so I called the whole thing off."

## MOTION

At 10:33 a.m., on motion of Senator Vognild, the Senate adjourned until 12:00 noon, Tuesday, January 20, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## NINTH DAY

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### NOON SESSION

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Senate Chamber, Olympia, Tuesday, January 20, 1987

The Senate was called to order at 12:00 noon by President Cherberg. No roll call was taken.

The Sergeant at Arms Color Guard, consisting of Pages Georgie Smith and David Westbrook, presented the Colors. Reverend Peter Mans, pastor of the Christian Reformed Church of Olympia, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

January 19, 1987

SB 5010 Prime Sponsor, Senator Halsan: Recodifying the statute on legislative terms of office. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

January 19, 1987

SB 5012 Prime Sponsor, Senator Halsan: Providing uniformity in the ballot order rotation of candidates. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

January 19, 1987

SB 5019 Prime Sponsor, Senator McCaslin: Permitting excess levies to assist the creation of sewer and water districts to be less than one dollar and twenty-five cents per one thousand dollars of assessed value. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

January 19, 1987

SB 5051 Prime Sponsor, Senator Moore: Authorizing environmental excellence awards. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass. Signed by Senators Kreidler, Chairman; Rinehart, Vice Chairman; Hansen.

Passed to Committee on Rules for second reading.

January 19, 1987

SB 5066 Prime Sponsor, Senator Talmadge: Defining nonhearsay statements. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

January 19, 1987

SB 5071 Prime Sponsor, Senator Kreidler: Changing provisions relating to dangerous wastes. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 5071 be substituted therefor, and the substitute bill do pass. Signed by Senators Kreidler, Chairman; Rinehart, Vice Chairman; Hansen, Kiskaddon.

Passed to Committee on Rules for second reading.

January 19, 1987

SB 5106 Prime Sponsor, Senator Bottiger: Revising the qualifications of members of the organized crime advisory committee. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5106 be substituted therefor, and the substitute bill do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Zimmerman.

Passed to Committee on Rules for second reading.

January 16, 1987

SB 5142 Prime Sponsor, Senator Talmadge: Providing protection from unlawful harassment. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5142 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Moore, Nelson.

Passed to Committee on Rules for second reading.

## INTRODUCTION AND FIRST READING

SB 5204 by Senator DeJarnatt

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

Referred to Committee on Governmental Operations.

SB 5205 by Senators Newhouse, Talmadge, Benitz and Deccio

AN ACT Relating to judges pro tempore; amending RCW 2.08.180; and providing an effective date.

Referred to Committee on Judiciary.

SB 5206 by Senator Talmadge

AN ACT Relating to superior court judges; amending RCW 2.08.061 and 2.08.062; and creating a new section.

Referred to Committee on Judiciary.

SB 5207 by Senator Metcalf

AN ACT Relating to beer and wine advertising; and amending RCW 66.08.060.

Referred to Committee on Commerce and Labor.

SB 5208 by Senator Metcalf

AN ACT Relating to education; and adding a new section to chapter 28A.27 RCW.

Referred to Committee on Education.

SB 5209 by Senator Metcalf

AN ACT Relating to the scenic and recreational highway system; and amending RCW 47.39.020.

Referred to Committee on Transportation.

SB 5210 by Senators Hansen, Barr, Gaspard, Bauer and Bailey

AN ACT Relating to nonrelinquishment of water rights under the federal conservation reserve program; and amending RCW 90.14.140.

Referred to Committee on Agriculture.

- SB 5211 by Senators Hansen, Barr, Bauer, Gaspard and Bailey  
AN ACT Relating to ground water management; amending RCW 18.104.070; and adding new sections to chapter 18.104 RCW.  
Referred to Committee on Agriculture.
- SB 5212 by Senators Warnke, Newhouse and Vognild (by request of Liquor Control Board)  
AN ACT Relating to the issuance of temporary retail liquor licenses; and amending RCW 66.24.010.  
Referred to Committee on Commerce and Labor.
- SB 5213 by Senators Williams, Owen, Smitherman and Conner  
AN ACT Relating to the energy facility site evaluation council; amending RCW 80.50-.020; adding a new section to chapter 80.50 RCW; and declaring an emergency.  
Referred to Committee on Energy and Utilities.
- SB 5214 by Senators Williams, Owen, Smitherman, McDermott and Moore  
AN ACT Relating to the utility intervention program; adding a new chapter to Title 80 RCW; and making an appropriation.  
Referred to Committee on Energy and Utilities.
- SB 5215 by Senator Williams  
AN ACT Relating to the utilities and transportation commission; and adding a new section to chapter 80.28 RCW.  
Referred to Committee on Energy and Utilities.
- SB 5216 by Senators Newhouse, Vognild and Warnke (by request of Board of Industrial Insurance Appeals)  
AN ACT Relating to industrial insurance appeals; and amending RCW 51.52.050.  
Referred to Committee on Commerce and Labor.
- SB 5217 by Senators Wojahn, Zimmerman, Kreidler, Fleming, Kiskaddon, Lee and Johnson (by request of Department of Personnel)  
AN ACT Relating to wellness programs for state employees; amending RCW 41.06-.280; adding new sections to chapter 41.04 RCW; and creating a new section.  
Referred to Committee on Human Services and Corrections.
- SB 5218 by Senators Kreidler, Bluechel and Bottiger  
AN ACT Relating to solid waste management; and amending RCW 70.95.080, 70.95-.090, 70.95.110, and 70.95.165.  
Referred to Committee on Parks and Ecology.
- SB 5219 by Senators Williams, Johnson, Kreidler, Kiskaddon and Conner  
AN ACT Relating to naturopathic physicians; and adding a new chapter to Title 18 RCW.  
Referred to Committee on Human Services and Corrections.
- SB 5220 by Senators Rasmussen and Johnson  
AN ACT Relating to private schools; and reenacting and amending RCW 28A.02.201.  
Referred to Committee on Education.
- SB 5221 by Senator Tanner  
AN ACT Relating to the state folk song; and adding a new section to chapter 1.20 RCW.  
Referred to Committee on Governmental Operations.
- SB 5222 by Senators Tanner, Bauer, Stratton and Smitherman

AN ACT Relating to legislative approval of additional ports of entry for land transportation of radioactive waste; adding a new section to chapter 46.48 RCW; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SB 5223 by Senators Tanner, Zimmerman, Bauer, Saling, Stratton, Barr and Johnson

AN ACT Relating to excise tax deferrals on machinery, equipment, and other personal property used in the production or casting of aluminum; amending RCW 82.61.010, 82.61.020, and 82.61.060; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5224 by Senators Warnke, Rinehart and Conner

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

Referred to Committee on Commerce and Labor.

SB 5225 by Senators Gaspard, Rinehart, Warnke, von Reichbauer and Vognild

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

Referred to Committee on Education.

SB 5226 by Senators Bottiger, Bauer, von Reichbauer, Garrett, Moore, Johnson and Conner

AN ACT Relating to teachers' retirement; and adding a new section to chapter 41.32 RCW.

Referred to Committee on Ways and Means.

SB 5227 by Senators Wojahn, Kiskaddon, Sellar, Anderson and Stratton (by request of Department of Social and Health Services)

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

Referred to Committee on Human Services and Corrections.

SB 5228 by Senators Stratton, Deccio, Sellar, Anderson, Kiskaddon, Tanner, Moore, Talmadge and Johnson (by request of Department of Social and Health Services)

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

Referred to Committee on Human Services and Corrections.

SB 5229 by Senators Kreidler, Deccio, Sellar, Kiskaddon and Stratton (by request of Department of Social and Health Services)

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

Referred to Committee on Human Services and Corrections.

SB 5230 by Senators Stratton, Deccio, Sellar, Kiskaddon and Vognild (by request of Department of Social and Health Services)

AN ACT Relating to water recreation; amending RCW 70.90.110, 70.90.120, 70.90.160, 70.90.170, 70.90.180, and 70.90.190; adding new sections to chapter 70.90 RCW; repealing RCW 70.90.010, 70.90.020, 70.90.030, 70.90.040, 70.90.100, 70.90.220, and 70.90.900; and prescribing penalties.

Referred to Committee on Human Services and Corrections.

SB 5231 by Senators Wojahn, Kiskaddon, Deccio, Anderson and Stratton (by request of Department of Social and Health Services)

AN ACT Relating to emergency medical services; amending RCW 18.73.030, 18.73.050, 18.73.060, 18.73.070, 18.73.073, 18.73.085, 18.73.130, 18.73.140, 18.73.170, 18.73.180, and 18.73.190; adding new sections to chapter 18.73 RCW; and repealing RCW 18.73.077, 18.73.080, 18.73.090, 18.73.100, 18.73.110, 18.73.160, and 18.73.205.

Referred to Committee on Human Services and Corrections.

SB 5232 by Senators Warnke, Lee, Vognild, Smitherman and Wojahn

AN ACT Relating to unemployment compensation; and amending RCW 50.04.020 and 50.04.030.

Referred to Committee on Commerce and Labor.

SB 5233 by Senators Halsan, Talmadge, Lee and Moore

AN ACT Relating to ignition interlock devices; amending RCW 46.63.020; adding new sections to chapter 46.20 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5234 by Senators McDermott, McDonald and Gaspard (by request of Department of Revenue)

AN ACT Relating to timber excise tax administrative provisions; and amending RCW 84.33.086 and 84.33.073.

Referred to Committee on Ways and Means.

SB 5235 by Senators McDermott, McDonald, Gaspard, Lee and Hayner (by request of Department of Revenue)

AN ACT Relating to sewerage collection under the public utility tax; and amending RCW 82.16.050.

Referred to Committee on Ways and Means.

SB 5236 by Senators McDermott, McDonald and Gaspard (by request of Department of Revenue)

AN ACT Relating to the sale of state timber to taxpayers delinquent in tax payments; amending RCW 84.33.078; and adding a new section to chapter 79.01 RCW.

Referred to Committee on Ways and Means.

SB 5237 by Senators McDermott and Gaspard (by request of Department of Revenue)

AN ACT Relating to excise taxation of ingredients and components and chemicals used in processing; and amending RCW 82.04.050 and 82.04.190.

Referred to Committee on Ways and Means.

SB 5238 by Senators McDermott, McDonald, Gaspard and Lee (by request of Department of Revenue)

AN ACT Relating to the taxation of tangible personal property used both inside and outside of Washington; and amending RCW 82.12.0251 and 82.12.035.

Referred to Committee on Ways and Means.

SB 5239 by Senators McDermott, McDonald, Gaspard, Lee and Hayner (by request of Department of Revenue)

AN ACT Relating to the assessment of motor vehicle transportation companies for property tax purposes; amending RCW 84.12.200, 84.12.280, and 84.12.360; creating a new section; and repealing RCW 84.12.290.

Referred to Committee on Ways and Means.

SB 5240 by Senators McDermott and Gaspard (by request of Department of Revenue)

AN ACT Relating to the taxation of mini-storage warehouse and refuse collection businesses; and amending RCW 82.04.290.

Referred to Committee on Ways and Means.

SB 5241 by Senators McDermott and Gaspard (by request of Department of Revenue)

AN ACT Relating to tangible personal property which is provided with an operator for a charge; and amending RCW 82.04.050 and 82.04.190.

Referred to Committee on Ways and Means.

SB 5242 by Senators McDermott, McDonald, Gaspard and Hayner (by request of Department of Revenue)

AN ACT Relating to procedures for the collection of the conveyance tax; amending RCW 82.20.040; adding a new section to chapter 82.20 RCW; repealing RCW 82.20.020, 82.20.030, 82.20.050, and 82.20.060; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5243 by Senators McDermott and Gaspard (by request of Department of Revenue)

AN ACT Relating to cigarette tax enforcement; amending RCW 82.24.110 and 82.24.130; adding new sections to chapter 82.24 RCW; repealing RCW 82.24.140; and prescribing penalties.

Referred to Committee on Ways and Means.

SB 5244 by Senators McDermott, McDonald, Gaspard, Lee and Hayner (by request of Department of Revenue)

AN ACT Relating to the notice and order to withhold and deliver property due or owned by a taxpayer; amending RCW 82.32.235; and adding a new section to chapter 82.32 RCW.

Referred to Committee on Ways and Means.

SJM 8002 by Senators Williams, Benitz, Owen, Stratton, Smitherman and Moore

Urging adoption of the National Appliance Energy Conservation Act.

Referred to Committee on Energy and Utilities.

SJR 8207 by Senators Newhouse, Talmadge, Benitz and Deccio

Revising provisions relating to judges pro tempore.

Referred to Committee on Judiciary.

#### INTRODUCTION OF SPECIAL GUESTS

The President introduced Deputy Director of the Coordination Council for North American Affairs, Mark S. B. Cheng and Mrs. Cheng, of Seattle, who were seated with him on the rostrum.

With permission of the Senate, business was suspended to permit Deputy Director Cheng to address the Senate.

After appropriate remarks of welcome from Senators Wojahn, Fleming and Zimmerman, the honored guests remained in the Senate Chambers to observe the Senate business of the day.

#### MOTIONS

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Vognild, the Committee on Judiciary was relieved of further consideration of Gubernatorial Appointment No. 9071, David L. Carlson as a member of the Indeterminate Sentencing Review Board.

On motion of Senator Vognild, Gubernatorial Appointment No. 9071 was referred to the Committee on Human Services and Corrections.

MOTION

At 12:17 p.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Wednesday, January 21, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## TENTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Wednesday, January 21, 1987

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Kreidler, Rasmussen and Rinehart. On motion of Senator Bender, Senator Rasmussen was excused.

The Sergeant at Arms Color Guard, consisting of Pages Ketra Rehfeld and Charles Shigley, presented the Colors. Reverend Peter Mans, pastor of the Christian Reformed Church of Olympia, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

January 16, 1987

SB 5061 Prime Sponsor, Senator Halsan: Establishing failure to comply with traffic laws as a gross misdemeanor. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5061 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Moore, Nelson.

Passed to Committee on Rules for second reading.

January 19, 1987

SB 5089 Prime Sponsor, Senator Halsan: Prescribing penalties for homicide by abuse. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5089 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Nelson.

Passed to Committee on Rules for second reading.

January 20, 1987

SB 5148 Prime Sponsor, Senator Halsan: Continuing the department of services for the blind. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

January 20, 1987

SB 5169 Prime Sponsor, Senator Hansen: Lowering the business and occupation tax rate on the manufacture of barley into pearl barley. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Bauer, Vice Chairman; Anderson, Bailey, Barr, Gaspard.

Passed to Committee on Rules for second reading.

January 20, 1987

SB 5183 Prime Sponsor, Senator Hansen: Modifying the taxation of seed conditioning for use in planting. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Bauer, Vice Chairman; Anderson, Bailey, Barr, Gaspard.

Passed to Committee on Rules for second reading.

## GUBERNATORIAL APPOINTMENTS

January 20, 1987

GA 9031      MERLYN M. BELL appointed May 6, 1986, for a term ending September 24, 1988, as a member of the Corrections Standards Board.  
Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That said appointment be confirmed Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Tanner.

Passed to Committee on Rules.

January 20, 1987

GA 9055      JUDGE B. J. McCLEAN reappointed September 25, 1986, for a term ending September 25, 1990, as a member of the Clemency and Pardons Board.  
Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That said appointment be confirmed Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Tanner.

Passed to Committee on Rules.

MESSAGES FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

January 6, 1987

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

I have the honor to submit the following appointment, subject to your confirmation.

Grace Chien, appointed January 6, 1987, for a term ending July 1, 1989, as a member of the Higher Education Personnel Board.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Education.

MESSAGE FROM THE HOUSE

January 20, 1987

Mr. President:

The House has adopted:

SENATE CONCURRENT RESOLUTION NO. 8401.

SENATE CONCURRENT RESOLUTION NO. 8402, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 8401.

SENATE CONCURRENT RESOLUTION NO. 8402.

INTRODUCTION AND FIRST READING

SB 5245      by Senator Peterson

AN ACT Relating to reflectorized warnings on disabled vehicles; and amending RCW 46.37.450.

Referred to Committee on Transportation.

SB 5246      by Senators Gaspard, Bailey, Rinehart, Saling, Patterson, Bauer, Bender, Wanke, Craswell, Smitherman, Johnson, Anderson, Conner, Garrett and Moore

AN ACT Relating to excellence in teacher preparation; adding new sections to chapter 28A.04 RCW; creating a new section; and making an appropriation.

Referred to Committee on Education.

SB 5247 by Senators Gaspard, Bailey and Conner

AN ACT Relating to the state board of education; and reenacting and amending RCW 28A.04.120.

Referred to Committee on Education.

SB 5248 by Senators Smitherman, Gaspard, Bailey and Johnson

AN ACT Relating to model curriculum programs or curriculum guidelines; and amending RCW 28A.03.425.

Referred to Committee on Education.

SB 5249 by Senators Talmadge and Bottiger

AN ACT Relating to court filing fees; amending RCW 2.32.070 and 3.62.060; and reenacting and amending RCW 36.18.020.

Referred to Committee on Judiciary.

SB 5250 by Senators Moore, McDonald, Fleming, Bender, Vognild, Talmadge, Tanner, Bailey, Benitz, Lee, Kiskaddon and Metcalf

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

Referred to Committee on Financial Institutions.

SB 5251 by Senators Owen, McDonald, DeJarnatt, Conner and West (by request of Department of Game)

AN ACT Relating to wildlife; amending RCW 43.17.010, 43.17.020, 77.04.010, 77.04.020, 77.04.030, 77.08.010, 77.12.170, 77.12.185, and 77.12.190; adding a new section to chapter 77.04 RCW; and creating a new section.

Referred to Committee on Natural Resources.

SB 5252 by Senators Bailey, Saling, Gaspard, Lee, Kiskaddon, von Reichbauer, Zimmerman, Bender, Rinehart, Bauer, Smitherman, Vognild, Nelson, Johnson and Moore

AN ACT Relating to child abuse education; amending RCW 43.63A.065 and 74.15.030; adding a new section to chapter 28A.05 RCW; creating a new section; and making appropriations.

Referred to Committee on Education.

SB 5253 by Senators Wojahn, Lee, Sellar, Peterson, Gaspard, Halsan, Conner, Deccio, Kreidler, Tanner, Hansen, Stratton, Kiskaddon and Bauer

AN ACT Relating to displaced homemakers; amending RCW 36.18.010; adding a new section to chapter 28B.04 RCW; and repealing section 11, chapter 15, Laws of 1982 1st ex. sess. (uncodified).

Referred to Committee on Human Services and Corrections.

SB 5254 by Senators Warnke, Tanner, Smitherman, West, Johnson, Newhouse, Bender, Bailey, Zimmerman, Lee, Garrett, Vognild and Moore

AN ACT Relating to liquor purchases by minors; amending RCW 66.44.291 and 66.44.325; adding a new section to chapter 66.44 RCW; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SB 5255 by Senators Owen, Saling, Warnke, Stratton, Benitz and Garrett

AN ACT Relating to parenting minor children; amending RCW 26.09.190, 26.09.240, 26.09.260, and 26.26.130; adding new sections to chapter 26.09 RCW; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5256 by Senators Barr, Owen, Stratton, Saling, Conner and Vognild

AN ACT Relating to acquisition of governmental agency surplus property by fire protection districts; and adding a new section to chapter 52.12 RCW.

Referred to Committee on Governmental Operations.

SB 5257 by Senators Moore, Metcalf, Bottiger and Bender

AN ACT Relating to the banking advisory council; and adding a new chapter to Title 43 RCW.

Referred to Committee on Financial Institutions.

SB 5258 by Senators Moore and McDermott

AN ACT Relating to banks; amending RCW 30.08.140; and repealing RCW 30.04.200.

Referred to Committee on Financial Institutions.

SB 5259 by Senators Moore and Kiskaddon

AN ACT Relating to occupational therapy; amending RCW 74.09.520 and 74.09.700; and making an appropriation.

Referred to Committee on Human Services and Corrections.

SB 5260 by Senators Wojahn, Kiskaddon, Halsan, Kreidler, Conner and Moore

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

Referred to Committee on Human Services and Corrections.

SB 5261 by Senators Barr, Bauer, McDonald and McCaslin

AN ACT Relating to associate development organizations; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Ways and Means.

SB 5262 by Senators Talmadge and Nelson

AN ACT Relating to civil liabilities and actions; amending RCW 4.84.030, 12.20.060, 12.40.010, 7.06.020, 7.06.040, 4.84.185, 4.24.310, 18.71.210, 51.24.030, 4.22.020, 23A.12.020, 23A.08.025, 24.03.025, 43.84.090, 48.01.050, and 48.05.045; adding new sections to chapter 4.24 RCW; adding a new section to chapter 4.84 RCW; adding a new section to chapter 38.40 RCW; adding a new section to chapter 41.06 RCW; adding a new section to chapter 71.24 RCW; adding a new chapter to Title 48 RCW; creating new sections; repealing RCW 4.84.250, 4.84.260, 4.84.270, 4.84.280, 4.84.290, 4.84.300, 4.24.268, and 4.96.040; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5263 by Senators Gaspard, Bailey, Bender, Bauer, von Reichbauer, Johnson, Conner, Smitherman, Garrett, Talmadge, Moore, Wojahn, Warnke, Rinehart, Peterson, Vogtild, Kiskaddon, Saling, Anderson and Benitz

AN ACT Relating to basic education allocation for vocational education; and adding a new section to chapter 28A.41 RCW.

Referred to Committee on Education.

SB 5264 by Senators Halsan, McCaslin, DeJarnatt, Zimmerman and Kiskaddon (by request of Department of Community Development)

AN ACT Relating to disaster assistance; adding new sections to chapter 38.52 RCW; creating a new section; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 5265 by Senator Warnke (by request of Liquor Control Board)

AN ACT Relating to the purchase of beer by retail beer licensees; and amending RCW 66.28.070.

Referred to Committee on Commerce and Labor.

SB 5266 by Senators McDermott and Gaspard (by request of Department of Revenue)

AN ACT Relating to the collection of retail sales taxes held in trust; and adding a new section to chapter 82.32 RCW.

Referred to Committee on Ways and Means.

SB 5267 by Senators McDermott, Lee and Conner (by request of Department of Revenue)

AN ACT Relating to retail sales and use tax exemptions for purchases with food coupons; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Ways and Means.

SB 5268 by Senators Newhouse, Vognild and McCaslin

AN ACT Relating to emergency medical care; and amending RCW 4.24.310 and 18.71.210.

Referred to Committee on Judiciary.

SB 5269 by Senators Wojahn, Lee, Talmadge, Deccio, Moore, Gaspard, Kiskaddon, DeJarnatt, Conner, Bauer, Vognild, Peterson, Stratton, Johnson, Zimmerman and Garrett

AN ACT Relating to child abuse; and amending RCW 13.32A.010, 13.32A.170, and 13.34.020.

Referred to Committee on Human Services and Corrections.

SB 5270 by Senators Wojahn, Deccio, Gaspard, Kiskaddon, Garrett, DeJarnatt, Conner, Stratton, Bender, Kreidler, Tanner and Johnson

AN ACT Relating to the department of social and health services; amending RCW 43.190.020, 43.190.030, 43.190.070, and 43.190.110; adding new sections to chapter 43.190 RCW; and repealing RCW 43.190.060 and 43.190.090.

Referred to Committee on Human Services and Corrections.

SB 5271 by Senators Wojahn, McDermott, Lee, Gaspard, Deccio, McDonald, Zimmerman, Bauer, Johnson, Kiskaddon, Fleming and Garrett

AN ACT Relating to legislative review of budget bills; and amending RCW 43.88.060.

Referred to Committee on Ways and Means.

SB 5272 by Senators Wojahn, Kiskaddon, Tanner, Kreidler, Stratton, Vognild, Johnson, Nelson and Moore

AN ACT Relating to business and occupation taxation of adult family homes; adding a new section to chapter 82.04 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

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

#### SECOND READING

SENATE BILL NO. 5017, by Senators Talmadge, Newhouse, Halsan and West (by request of Statute Law Committee)

Revising terminology relating to district courts.

The bill was read the second time.

#### MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Bill No. 5017 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Lee: "I wonder if someone might yield to a question on this issue? I realize this sounds like a trivia question. Nevertheless, what we are finally doing in our laws is changing the term 'Justice of the Peace' to 'District Court Judge' which we have used in all our recent legislation relating to salaries and so on. It is a good idea, because we want to be sure that they do get their salaries and it is proper. Do you have any idea where that original term 'Justice of the Peace' came from? I

think maybe some people might be interested to know where that ancient and well-worn term comes from."

#### REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Senator Lee, I don't know if it predates 'The Law West of the Pecos' or had something to do with mining law, but it was something that the West developed."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5017.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5017 and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

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

Absent: Senators Kreidler, Rinehart - 2.

Excused: Senator Rasmussen - 1.

SENATE BILL NO. 5017, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 10:18 a.m., on motion of Senator Vognild, the Senate adjourned until 12:00 noon, Thursday, January 22, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## ELEVENTH DAY

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### NOON SESSION

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Senate Chamber, Olympia, Thursday, January 22, 1987

The Senate was called to order at 12:00 noon by President Cherberg. No roll call was taken.

The Sergeant at Arms Color Guard, consisting of Pages Camille Cooper and John Sorenson, presented the Colors. Reverend Peter Mans, pastor of the Christian Reformed Church of Olympia, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

January 20, 1987

SB 5002 Prime Sponsor, Senator Talmadge: Revising provisions relating to the commission on judicial conduct. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Moore, Nelson, Newhouse.

Referred to Committee on Rules for second reading.

January 22, 1987

SB 5032 Prime Sponsor, Senator Owen: Redefining what constitutes an antique slot machine. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Lee, Tanner, Vognild, Williams, Wojahn.

Referred to Committee on Rules for second reading.

January 22, 1987

SB 5059 Prime Sponsor, Senator Warnke: Authorizing unemployment compensation during certain labor lockouts. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5059 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Tanner, Vognild, Williams, Wojahn.

Referred to Committee on Rules for second reading.

January 22, 1987

SB 5105 Prime Sponsor, Senator Warnke: Providing for the licensing of the manufacture and sale of poisons. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Lee, Tanner, Vognild, Williams, Wojahn.

Referred to Committee on Rules for second reading.

January 20, 1987

SB 5194 Prime Sponsor, Senator Talmadge: Revising fees under the Uniform Commercial Code. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Moore, Nelson, Newhouse.

Referred to Committee on Rules for second reading.

January 20, 1987

SB 5205 Prime Sponsor, Senator Newhouse: Revising provisions relating to judges pro tempore. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Moore, Nelson, Newhouse.

Referred to Committee on Rules for second reading.

January 20, 1987

SJR 8207 Prime Sponsor, Senator Newhouse: Revising provisions relating to judges pro tempore. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Moore, Nelson, Newhouse.

Referred to Committee on Rules for second reading.

## INTRODUCTION AND FIRST READING

SB 5273 by Senators Warnke, Smitherman, Garrett and Wojahn

AN ACT Relating to urban area parks; amending RCW 43.51.380, 43.99.060, and 67.70.240; adding a new section to chapter 43.99 RCW; and adding a new section to chapter 67.70 RCW.

Referred to Committee on Commerce and Labor.

SB 5274 by Senators Gaspard, Kiskaddon, Bauer and Smitherman

AN ACT Relating to compensation of teachers for in-service training and education; and adding a new section to chapter 28A.71 RCW.

Referred to Committee on Education.

SB 5275 by Senator Talmadge

AN ACT Relating to development in state parks and recreational lands; and amending RCW 43.51.060, 43.51.685, and 90.58.030.

Referred to Committee on Parks and Ecology.

SB 5276 by Senator McDermott

AN ACT Relating to taxation of real estate transactions; amending RCW 82.45.060, 82.02.030, and 43.06.400; creating a new section; and repealing RCW 82.20.005, 82.20.010, 82.20.020, 82.20.030, 82.20.040, 82.20.050, 82.20.060, and 82.20.070.

Referred to Committee on Ways and Means.

SB 5277 by Senators Peterson, Patterson, Hansen and Conner

AN ACT Relating to reflectorized license plates; and amending RCW 46.16.237.

Referred to Committee on Transportation.

SB 5278 by Senators Tanner and Conner

AN ACT Relating to community property; and adding a new section to chapter 26.16 RCW.

Referred to Committee on Judiciary.

SB 5279 by Senators Halsan, Newhouse, Nelson, Vognild, Bottiger and Moore

AN ACT Relating to superior court; and amending RCW 2.36.090, 2.36.093, 10.01.160, 11.76.100, 36.23.030, and 36.48.090.

Referred to Committee on Judiciary.

SB 5280 by Senators Tanner, Deccio, Vognild, Smitherman and Newhouse

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

Referred to Committee on Commerce and Labor.

SB 5281 by Senators Vognild, Smitherman, Deccio and Newhouse

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

Referred to Committee on Commerce and Labor.

**SB 5282** by Senators Tanner, Warnke, Vognild, Smitherman, Deccio, Newhouse and Garrett

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

Referred to Committee on Commerce and Labor.

**SB 5283** by Senators Hansen and Patterson (by request of Utilities and Transportation Commission)

AN ACT Relating to hearings by the utilities and transportation commission; and amending RCW 81.80.280.

Referred to Committee on Transportation.

**SB 5284** by Senators Tanner and Patterson

AN ACT Relating to motor vehicles; amending RCW 81.80.040, 81.80.060, 81.80.070, 81.80.130, 81.80.150, 81.80.190, 81.80.211, 81.80.260, 81.80.355, 81.80.371, 81.80.400, 81.80.410, 81.04.010, 81.04.110, 81.04.130, 81.04.150, 81.04.250, 81.04.450, 46.20.440, 46.20.450, 46.52.130, 46.64.015, and 46.63.110; adding a new section to chapter 46.16 RCW; adding a new section to chapter 46.64 RCW; adding new sections to chapter 81.80 RCW; repealing RCW 81.80.020, 81.80.140, 81.80.175, and 46.20.460; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

**SB 5285** by Senators McDermott, Deccio, Moore, von Reichbauer, Kreidler, Zimmerman, Stratton, Warnke, Saling, Vognild, Rinehart, Hansen, Gaspard, Wojahn, Fleming, Garrett, Talmadge and Kiskaddon

AN ACT Relating to public broadcasting; adding new sections to chapter 43.63A RCW; creating a new section; and making an appropriation.

Referred to Committee on Ways and Means.

**SB 5286** by Senator Conner

AN ACT Relating to retirement credit for military service; and amending RCW 41.40.170.

Referred to Committee on Ways and Means.

**SB 5287** by Senator Kreidler

AN ACT Relating to legal holidays; and amending RCW 1.16.050.

Referred to Committee on Governmental Operations.

**SB 5288** by Senators Smitherman, Halsan and Warnke

AN ACT Relating to institutional care employees; and amending RCW 72.01.045.

Referred to Committee on Human Services and Corrections.

**SB 5289** by Senators Conner and Bauer

AN ACT Relating to veterans; and amending RCW 41.04.005.

Referred to Committee on Governmental Operations.

**SB 5290** by Senators Halsan and Kreidler

AN ACT Relating to the state employee attendance incentive program; and amending RCW 41.04.340.

Referred to Committee on Governmental Operations.

**SB 5291** by Senator Kreidler

AN ACT Relating to the state employee attendance incentive program; and amending RCW 41.04.340 and 41.40.010.

Referred to Committee on Governmental Operations.

**SB 5292** by Senators Conner and Bauer

AN ACT Relating to veterans' preferences in public employment; reenacting and amending RCW 28B.16.100 and 41.06.150.

Referred to Committee on Governmental Operations.

SB 5293 by Senators McDermott, Bender, McDonald, Bluechel, Wojahn and Deccio

AN ACT Relating to the business and occupation taxation of health or social welfare services; amending RCW 82.04.431; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Ways and Means.

SB 5294 by Senators Barr, Hansen and Lee

AN ACT Relating to unemployment compensation trust fund contribution rates for predecessor and successor employers; and amending RCW 50.29.062.

Referred to Committee on Commerce and Labor.

SB 5295 by Senators Warnke, West, Rasmussen, Vognild, Smitherman, Moore, Tanner, Deccio and Bauer (by request of Washington State Lottery)

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

Referred to Committee on Commerce and Labor.

SB 5296 by Senator Hayner

AN ACT Relating to community economic development; and adding a new section to chapter 43.165 RCW.

Referred to Committee on Commerce and Labor.

SB 5297 by Senators Hayner, Barr and Zimmerman

AN ACT Relating to the business and occupation tax; adding a new section to chapter 82.04 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5298 by Senators Hayner, McDonald, Benitz, Craswell, Barr, Cantu, Anderson, Metcalf, Saling, Bailey, Zimmerman, Deccio, Johnson and Nelson

AN ACT Relating to spending limitations; adding a new chapter to Title 44 RCW; and providing an effective date.

Referred to Committee on Ways and Means.

SB 5299 by Senators Warnke, Lee, Vognild, Smitherman, Anderson and Kiskaddon

AN ACT Relating to massage therapy; amending RCW 18.108.010, 18.108.030, 18.108.040, 18.108.050, 18.108.060, and 18.108.070; adding new sections to chapter 18.108 RCW; and repealing RCW 18.108.020, 18.108.090, 18.108.110, 18.108.120, 18.108.140, 18.108.150, 18.108.160, 18.108.180, 18.108.200, and 18.108.210.

Referred to Committee on Commerce and Labor.

SB 5300 by Senators Halsan, Johnson, Kreidler, Zimmerman and Garrett (by request of Office of Financial Management)

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

Referred to Committee on Governmental Operations.

SB 5301 by Senators Halsan, Talmadge and Kreidler

AN ACT Relating to vicious dogs; adding new sections to chapter 16.08 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5302 by Senator Halsan

AN ACT Relating to consolidating the administrative functions of state licensing programs; amending RCW 18.64.005, 18.64.009, 18.64.011, 18.64.040, 18.64.043, 18.64.044, 18.64.045, 18.64.046, 18.64.047, 18.64.050, 18.64.080, 18.64.140, 18.64.A.030, 19.02.050, 43.03.028, 69.41.075, 69.50.101, 69.50.201, 69.50.301, 69.50.302, 69.50.303, 69.50.304, 69.50.310, 69.50.500,

69.51.030, and 69.51.040; adding a new section to chapter 18.64 RCW; creating new sections; and repealing RCW 18.64.007.

Referred to Committee on Governmental Operations.

**SB 5303** by Senators Hansen, Barr, Stratton, Hayner, Patterson and Benitz

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

Referred to Committee on Parks and Ecology.

**SB 5304** by Senators Bottiger, Newhouse, Barr and Hansen

AN ACT Relating to abused and injured animals; amending RCW 16.52.085; and adding a new section to chapter 16.52 RCW.

Referred to Committee on Agriculture.

**SB 5305** by Senators Bottiger and Halsan

AN ACT Relating to negligence; and amending RCW 5.40.050.

Referred to Committee on Judiciary.

**SB 5306** by Senators Talmadge, Kiskaddon, Kreidler and Lee

AN ACT Relating to disposal of sanitary wastes at marinas; adding new sections to chapter 82.04 RCW; adding a new section to chapter 88.12 RCW; creating a new section; prescribing penalties; and providing an expiration date.

Referred to Committee on Parks and Ecology.

**SB 5307** by Senator McCaslin

AN ACT Relating to local improvement districts; and adding a new section to chapter 36.94 RCW.

Referred to Committee on Governmental Operations.

**SB 5308** by Senators Patterson, Conner, Garrett, Bailey, Gaspard, Johnson, Vognild and Warnke

AN ACT Relating to school bus safety; amending RCW 46.37.510 and 46.61.688; and adding new sections to chapter 28A.44 RCW.

Referred to Committee on Transportation.

**SB 5309** by Senator Barr

AN ACT Relating to noncontested offices; amending RCW 29.01.006, 29.21.090, 29.30.091, 29.30.310, 29.30.390, and 29.30.490; adding a new section to chapter 29.30 RCW; and adding a new section to chapter 29.62 RCW.

Referred to Committee on Governmental Operations.

**SB 5310** by Senator Barr

AN ACT Relating to emergency medical service districts; amending RCW 36.32.480; and adding a new section to chapter 36.32 RCW.

Referred to Committee on Governmental Operations.

**SB 5311** by Senators Barr and Owen

AN ACT Relating to forest fires; and adding a new section to chapter 76.04 RCW.

Referred to Committee on Natural Resources.

**SB 5312** by Senators Talmadge, Pullen, Warnke, West, Vognild, von Reichbauer, Lee, Johnson, Bender, Moore, Fleming, McDermott, Halsan, Williams, Smitherman and Bauer

AN ACT Relating to collective bargaining; amending RCW 41.56.020 and 41.56.030; adding a new section to chapter 41.56 RCW; and making an appropriation.

Referred to Committee on Commerce and Labor.

**SB 5313** by Senators Kiskaddon, Stratton and Gaspard

AN ACT Relating to personal development and self-esteem; reenacting and amending RCW 28A.04.120; adding a new section to chapter 28A.03 RCW; adding a new section

to chapter 28A.71 RCW; creating new sections; providing an expiration date; and making an appropriation.

Referred to Committee on Education.

SB 5314 by Senators Talmadge and Kiskaddon

AN ACT Relating to water conservation; and adding a new chapter to Title 90 RCW.

Referred to Committee on Parks and Ecology.

SB 5315 by Senators Talmadge, Kreidler, Kiskaddon, Williams, Conner and Rinehart

AN ACT Relating to wood stoves; adding a new chapter to Title 70 RCW; creating a new section; and repealing RCW 70.94.770.

Referred to Committee on Parks and Ecology.

SB 5316 by Senators Kiskaddon, Rinehart, Lee, Stratton and Gaspard

AN ACT Relating to education and human development; adding new sections to Title 28A RCW; creating new sections; and making appropriations.

Referred to Committee on Education.

SB 5317 by Senator Bottiger

AN ACT Relating to civil liability; amending RCW 4.22.030 and 51.24.060; and repealing RCW 4.22.070.

Referred to Committee on Judiciary.

SJM 8003 by Senators Conner, Metcalf, Anderson, Pullen, Hansen and Garrett

Memorial to discover location of MIAs.

Referred to Committee on Governmental Operations.

SJR 8208 by Senators Hayner, McDonald, Benitz, Craswell, Barr, Cantu, Anderson, Pullen, Metcalf, Saling, Bailey, Zimmerman and Johnson

Submitting to a vote of the people a state constitutional amendment that imposes state spending limits.

Referred to Committee on Ways and Means.

SJR 8209 by Senators Barr, Hansen, DeJarnatt, Tanner, Sellar, Bauer and Zimmerman

Exempting a \$.50 library district levy from the 1% levy ceiling.

Referred to Committee on Governmental Operations.

#### MOTION

At 12:06 p.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Friday, January 23, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## TENTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Friday, January 23, 1987

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Anderson, Barr, Deccio, Nelson, Peterson, Smitherman and West. On motion of Senator Bender, Senators Peterson and Smitherman were excused. On motion of Senator Zimmerman, Senators Anderson, Barr, Deccio, Newhouse and West were excused.

The Sergeant at Arms Color Guard, consisting of Pages Chris Killinger and Ben Carruth, presented the Colors. Reverend Peter Mans, pastor of the Christian Reformed Church of Olympia, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

January 21, 1987

SB 5065 Prime Sponsor, Senator Talmadge: Requiring witnesses to report sexual offenses and child assault. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5065 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Moore, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

January 21, 1987

SB 5078 Prime Sponsor, Senator Halsan: Increasing penalty for assault on juvenile corrections officers. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5078 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Moore, Nelson.

Passed to Committee on Rules for second reading.

January 22, 1987

SB 5085 Prime Sponsor, Senator Talmadge: Revising provisions relating to warehousemen's liens. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

January 22, 1987

SB 5097 Prime Sponsor, Senator Williams: Modifying provisions relating to utility regulation. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Williams, Chairman; Owen, Vice Chairman; Benitz, Cantu, Nelson, Smitherman, Stratton.

Passed to Committee on Rules for second reading.

January 22, 1987

SB 5164 Prime Sponsor, Senator Williams: Establishing an interstate agreement on the transportation of radioactive materials. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Williams, Chairman; Owen, Vice Chairman; Cantu, Smitherman, Stratton.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENT

January 22, 1987

GA 9073 JOSEPH R. BLUM appointed December 29, 1986, for a term ending at the Governor's pleasure, as Director of the Department of Fisheries, succeeding William Wilkerson.  
Reported by Committee on Natural Resources

MAJORITY recommendation: That said appointment be confirmed Signed by Senators Owen, Chairman; DeJarnatt, Vice Chairman; Craswell, Metcalf, Patterson, Stratton

Passed to Committee on Rules.

MESSAGES FROM THE HOUSE

January 21, 1987

Mr. President:

The Speaker has signed:

SENATE CONCURRENT RESOLUTION NO. 8401.

SENATE CONCURRENT RESOLUTION NO. 8402, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

January 22, 1987

Mr. President:

The House has passed:

HOUSE BILL NO. 112.

HOUSE BILL NO. 136, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 5318 by Senator Pullen

AN ACT Relating to clarifying fire protection districts' authority to issue or revoke burning permits due to air pollution conditions; and amending RCW 52.12.101.

Referred to Committee on Governmental Operations.

SB 5319 by Senators Vognild, Lee, Warnke, Smitherman, Sellar, Hayner, Owen and Cantu

AN ACT Relating to the sale of non liquor food products as defined in RCW 82.08.0293 as it exists on July 1, 1983, by licensed wine wholesalers and beer wholesalers; adding a new section to chapter 66.28 RCW; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 5320 by Senators Owen, Warnke, Tanner, Barr, Zimmerman and Nelson

AN ACT Relating to furniture purchases by state agencies; and creating a new section.

Referred to Committee on Ways and Means.

SB 5321 by Senators Fleming, Warnke, Zimmerman, Lee, Saling, McDermott, Stratton, Owen, Rinehart, Kiskaddon and Moore

AN ACT Relating to the classification and valuation of multiple-unit buildings devoted primarily to low-income housing at current use value; adding a new chapter to Title 84 RCW; and providing a contingent effective date.

Referred to Committee on Ways and Means.

SB 5322 by Senators Kreidler, Bluechel, Owen and McCaslin

AN ACT Relating to the designation and management of natural resources conservation areas; amending RCW 79.68.070 and 43.30.300; adding a new chapter to Title 79 RCW; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Parks and Ecology.

**SB 5323** by Senator Owen

AN ACT Relating to net fishing for bottomfish; and adding a new section to chapter 75.12 RCW.

Referred to Committee on Natural Resources.

**SB 5324** by Senators Rasmussen, Owen, Metcalf and Garrett

AN ACT Relating to Lake Washington salmon; and adding new sections to chapter 75.08 RCW.

Referred to Committee on Natural Resources.

**SB 5325** by Senators Peterson, Conner and Patterson (by request of Department of Licensing)

AN ACT Relating to case records of licensed drivers; and amending RCW 46.52.120.

Referred to Committee on Transportation.

**SB 5326** by Senators Garrett, Johnson, Peterson, Lee, Tanner, Warnke, Williams, Kiskaddon and Bauer (by request of Joint Select Committee on Disability Employment and Economic Participation)

AN ACT Relating to employment and training of persons of disability; adding new sections to chapter 43.131 RCW; adding a new chapter to Title 50 RCW; creating a new section; providing an expiration date; and making an appropriation.

Referred to Committee on Commerce and Labor.

**SB 5327** by Senators Garrett, Johnson, Peterson, Wojahn, Lee, Tanner, Warnke, Williams and Kiskaddon (by request of Joint Select Committee on Disability Employment and Economic Participation)

AN ACT Relating to persons of disability; and amending RCW 50.12.210.

Referred to Committee on Commerce and Labor.

**SB 5328** by Senators Garrett, Johnson, Peterson, Wojahn, Tanner, Warnke, Williams, Kiskaddon and Bauer (by request of Joint Select Committee on Disability Employment and Economic Participation)

AN ACT Relating to business and enterprises of persons of disability; and amending RCW 39.19.020.

Referred to Committee on Commerce and Labor.

**SB 5329** by Senators Garrett, Johnson, Peterson, Wojahn, Lee, Tanner, Warnke, Williams and Kiskaddon (by request of Joint Select Committee on Disability Employment and Economic Participation)

AN ACT Relating to a study of the delivery of benefits and services to persons of disability; creating new sections; and making an appropriation.

Referred to Committee on Commerce and Labor.

**SB 5330** by Senators Garrett, Johnson, Peterson, Tanner, Warnke, Williams and Kiskaddon (by request of Joint Select Committee on Disability Employment and Economic Participation)

AN ACT Relating to the establishment of a revolving fund to accommodate persons of disability in state employ; adding a new section to chapter 41.04 RCW; creating a new section; and making an appropriation.

Referred to Committee on Commerce and Labor.

**SB 5331** by Senators Garrett, Johnson, Peterson, Lee, Tanner, Warnke, Williams, Kiskaddon and Moore (by request of Joint Select Committee on Disability Employment and Economic Participation)

AN ACT Relating to the collection of employment and unemployment data on persons of disability; and creating new sections.

Referred to Committee on Commerce and Labor.

**SB 5332** by Senators DeJarnatt, Bailey, Zimmerman, Garrett, Rinehart, Kiskaddon and Moore

AN ACT Relating to voter registration by mail; adding a new chapter to Title 29 RCW; repealing RCW 29.07.040; and prescribing penalties.

Referred to Committee on Governmental Operations.

SB 5333 by Senators Gaspard, Bailey, Smitherman, Johnson, Stratton, Conner, Bauer, Kiskaddon, Hayner, Bottiger and Benitz

AN ACT Relating to the state board of education; and amending RCW 28A.04.010, 28A.04.020, 28A.04.050, and 28A.04.090.

Referred to Committee on Education.

SB 5334 by Senators Bauer, Conner, Stratton, Kiskaddon, Owen, Warnke, McCaslin, Metcalf, Benitz and Nelson

AN ACT Relating to school transportation; and amending RCW 28A.24.065.

Referred to Committee on Education.

SB 5335 by Senators Halsan, Zimmerman, Garrett and McCaslin

AN ACT Relating to boundary review boards; and amending RCW 36.93.070, 36.93.090, 36.93.100, 36.93.110, 36.93.120, 36.93.130, 36.93.150, and 36.93.160.

Referred to Committee on Governmental Operations.

SB 5336 by Senators Gaspard and Talmadge

AN ACT Relating to education in osteopathic medicine; amending RCW 28B.80.160; and making an appropriation.

Referred to Committee on Education.

SB 5337 by Senator Tanner

AN ACT Relating to school district competitive bidding; and amending RCW 28A.58.135.

Referred to Committee on Education.

SB 5338 by Senators Tanner, Zimmerman, Bauer and DeJarnatt

AN ACT Relating to the Mount St. Helens sediment control project; creating a new section; and making an appropriation.

Referred to Committee on Natural Resources.

SB 5339 by Senators Talmadge, Newhouse, Halsan and Nelson

AN ACT Relating to mechanics' liens; and amending RCW 60.04.115.

Referred to Committee on Judiciary.

SB 5340 by Senators Stratton and Wojahn (by request of Department of Social and Health Services)

AN ACT Relating to public health fees; amending RCW 35A.70.070, 69.06.010, 69.06.020, and 69.06.040; adding a new section to chapter 69.06 RCW; adding new sections to chapter 70.58 RCW; and repealing RCW 43.20A.630.

Referred to Committee on Human Services and Corrections.

SB 5341 by Senators Wojahn and Stratton (by request of Department of Social and Health Services)

AN ACT Relating to revenue recovery for social and health services; amending RCW 43.20A.020, 43.20A.435, 48.21.240, 48.44.340, 48.46.290, 74.04.306, 74.09.210, 74.09.220, 74.46.180, and 74.09.180; adding new sections to chapter 43.20A RCW; adding a new section to chapter 74.09 RCW; and creating a new section.

Referred to Committee on Human Services and Corrections.

SB 5342 by Senators Owen, Stratton, DeJarnatt and Conner

AN ACT Relating to food fish; and amending RCW 75.30.070.

Referred to Committee on Natural Resources.

SB 5343 by Senators Halsan, Tanner, Smitherman, Vognild, Warnke, Deccio and Newhouse

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

Referred to Committee on Commerce and Labor.

SB 5344 by Senator Bauer

AN ACT Relating to retirement from public service by employees of the grain branch of the commodity inspection division of the department of agriculture; and creating a new section.

Referred to Committee on Ways and Means.

SB 5345 by Senators McDermott, Rinehart, Bluechel, Moore, Deccio and Kiskaddon

AN ACT Relating to property tax exemptions; and amending RCW 84.36.060, 84.36.805, and 84.36.810.

Referred to Committee on Ways and Means.

SB 5346 by Senators Rasmussen, Williams, Lee, Moore, Kreidler, Anderson, Bauer, Zimmerman, Patterson, West, Saling and Bluechel

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

Referred to Committee on Commerce and Labor.

SB 5347 by Senators Bottiger, Johnson, Vognild, Gaspard, von Reichbauer, Bender, Pullen, Talmadge and Conner

AN ACT Relating to the law enforcement officers' and fire fighters' retirement system; and amending RCW 41.26.030, 41.26.120, 41.26.125, 41.26.430, 41.26.450, 41.26.470, and 41.26.510.

Referred to Committee on Ways and Means.

SJR 8210 by Senators Fleming, Warnke, Zimmerman, Vognild, Lee, Saling, McDermott, Stratton, Owen, Rinehart, Nelson, Talmadge, Kiskaddon and Bauer

Amending constitution to allow current use property valuation for tax purposes on low-income housing.

Referred to Committee on Ways and Means.

SCR 8403 by Senators Garrett, Johnson, Peterson, Wojahn, Lee, Tanner, Warnke, Williams, Conner, Kiskaddon and Bauer (by request of Joint Select Committee on Disability Employment and Economic Participation)

Requiring the Legislature to include persons of disability as a minority group for affirmative action purposes.

Referred to Committee on Commerce and Labor.

SCR 8404 by Senators Garrett, Johnson, Peterson, Wojahn, Lee, Tanner, Warnke, Williams, Conner and Kiskaddon (by request of Joint Select Committee on Disability Employment and Economic Participation)

Requiring a report to the governor and legislative committees on the progress made in implementing recommendations of the joint select committee on disability employment and economic participation.

Referred to Committee on Commerce and Labor.

SCR 8405 by Senators Peterson, Patterson, Bauer, Zimmerman, Hansen, Conner, Garrett, Bender, Sellar, Newhouse, Vognild, Moore, Talmadge and Conner (by request of Lieutenant Governor Cherberg)

Acknowledging the accomplishments of Senator Al Henry for the state of Washington.

Referred to Committee on Transportation.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

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

Clarifying the age requirement for migratory waterfowl hunting stamps.

Referred to Committee on Natural Resources.

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

Providing more flexibility in game commission meeting dates.

Referred to Committee on Natural Resources.

## MOTION

Senator Kreidler moved that Senate Bill No. 5346 be referred to the Committee on Parks and Ecology rather than to the Committee on Commerce and Labor.

## MOTION

At 10:12 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 10:32 a.m. by President Cherberg.

There being no objection the Senate resumed consideration of the motion by Senator Kreidler to refer Senate Bill No. 5346 to the Committee on Parks and Ecology.

Debate ensued.

## POINT OF INQUIRY

Senator Vognild: "Senator Warnke, has your committee heard this bill?"

Senator Warnke: "We heard the bill three times during the last session of the Legislature and heard the bill once more during the interim period. The bill has been heard four times so far in our committee."

Senator Vognild: "Senator, I would like to continue a little bit. Would you feel comfortable that your staff is quite well versed in the legalities of the bill?"

Senator Warnke: "I certainly hope they are."

Senator Vognild: "One last question, Senator, with the bill going to your committee, there seems to be some concern whether you would have a hearing. Would you, in fact, call a hearing on this bill?"

Senator Warnke: "I think that during the last session of the Legislature, we tried to hold a hearing on every bill that had any major importance at all and the same thing would happen this time."

Senator Vognild: "Thank you."

Further debate ensued.

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

The President declared the question before the Senate to be the roll call on the motion by Senator Kreidler to refer Senate Bill No. 5346 to the Committee on Parks and Ecology.

## ROLL CALL

The Secretary called the roll and the motion by Senator Kreidler carried and Senate Bill No. 5346 was referred to the Committee on Parks and Ecology by the following vote: Yeas, 22; nays, 18; absent, 2; excused, 7.

Voting yea: Senators Bailey, Bauer, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, Zimmerman - 22.

Voting nay: Senators Bender, Boltiger, Conner, Fleming, Garrett, Gaspard, Halsan, Hansen, McDermott, Moore, Owen, Rinehart, Stratton, Taimadge, Vognild, Warnke, Williams, Wojahn - 18.

Absent: Senators DeJarnatt, Tanner - 2.

Excused: Senators Anderson, Barr, Deccio, Nelson, Peterson, Smitherman, West - 7.

SENATE BILL NO. 5346 was referred to the Committee on Parks and Ecology.

## MOTION

At 10:45 a.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Monday, January 26, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## FIFTEENTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Monday, January 26, 1987

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bailey, Craswell, Hayner, Nelson, Peterson, Smitherman and Talmadge. On motion of Senator Bender, Senators Peterson and Smitherman were excused. On motion of Senator Zimmerman, Senators Bailey and Hayner were excused.

The Sergeant at Arms Color Guard, consisting of Pages Jennifer Ellis and James Thomsen, presented the Colors. Reverend Hilton Jarvis, senior pastor of the Baptist Chapel of Lacey, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

January 22, 1987

SB 5008 Prime Sponsor, Senator Moore: Revising provisions relating to property tax payments made by check. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

January 22, 1987

SB 5011 Prime Sponsor, Senator Halsan: Revising provisions relating to the legislature and terms of state officials. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5011 be substituted therefor, and the substitute bill do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

January 22, 1987

SB 5013 Prime Sponsor, Senator Garrett: Permitting counties and cities to vacate public roads and streets abutting water under certain circumstances. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

January 22, 1987

SB 5040 Prime Sponsor, Senator Rasmussen: Requiring the rectification of boundary discrepancies prior to plat approval. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Garrett, Vice Chairman; DeJarnatt, McCaslin, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

January 22, 1987

SB 5160 Prime Sponsor, Senator Tanner: Providing for the promulgation of regulations on poisons and hazardous substances. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Tanner.

Passed to Committee on Rules for second reading.

January 22, 1987

SB 5285 Prime Sponsor, Senator McDermott: Providing funding for public broadcasting stations. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5285 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Kreidler, Moore, Rinehart, Saling, Talmadge, Vogt, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

#### INTRODUCTION AND FIRST READING

SB 5348 by Senators Conner, Peterson, Patterson, Halsan and Garrett (by request of Department of Licensing)

AN ACT Relating to the release of a vehicle interest to a hulk hauler or scrap processor; and amending RCW 46.79.020.

Referred to Committee on Transportation.

SB 5349 by Senators Bailey, Bauer, Barr, Anderson and Hansen

AN ACT Relating to conservation district funding; and amending RCW 70.146.060.

Referred to Committee on Parks and Ecology.

SB 5350 by Senator Saling

AN ACT Relating to polygraph examiners; adding a new chapter to Title 18 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5351 by Senators McDermott and McDonald (by request of Governor Gardner)

AN ACT Relating to state fiscal matters; amending section 1, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 107, chapter 6, Laws of 1985 ex. sess. as amended by amending section 101, chapter 312, Laws of 1986 (uncodified); amending section 111, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 114, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 127, chapter 6, Laws of 1985 ex. sess. as amended by amending section 105, chapter 312, Laws of 1986 (uncodified); amending section 129, chapter 6, Laws of 1985 ex. sess. as amended by amending section 106, chapter 312, Laws of 1986 (uncodified); amending section 144, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 221, chapter 6, Laws of 1985 ex. sess. as amended by section 213, chapter 312, Laws of 1986 (uncodified); amending section 223, chapter 6, Laws of 1985 ex. sess. as amended by amending section 215, chapter 312, Laws of 1986 (uncodified); amending section 224, chapter 6, Laws of 1985 ex. sess. as amended by amending section 216, chapter 312, Laws of 1986 (uncodified); amending section 301, chapter 6, Laws of 1985 ex. sess. as amended by amending section 301, chapter 312, Laws of 1986 (uncodified); amending section 303, chapter 6, Laws of 1985 ex. sess. as amended by amending section 302, chapter 312, Laws of 1986 (uncodified); amending section 314, chapter 6, Laws of 1985 ex. sess. as amended by section 305, chapter 312, Laws of 1986 (uncodified); amending section 315, chapter 6, Laws of 1985 ex. sess. as amended by section 306, chapter 312, Laws of 1986 (uncodified); amending section 317, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 1, chapter 460, Laws of 1985 (uncodified); amending section 403, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 503, chapter 6, Laws of 1985 ex. sess. as amended by amending section 502, chapter 312, Laws of 1986 (uncodified); amending section 504, chapter 6, Laws of 1985 ex. sess. as amended by amending section 504, chapter 312, Laws of 1986 (uncodified); amending section 506, chapter 6, Laws of 1985 ex. sess. as amended by amending section 505, chapter 312, Laws of 1986 (uncodified); amending section 508, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 514, chapter 6, Laws of 1985 ex. sess. as amended by amending section 508, chapter 312, Laws of 1986 (uncodified); amending section 607, chapter 6, Laws of 1985

ex. sess. as amended by section 604, chapter 312, Laws of 1986 (uncodified); amending section 707, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 711, chapter 6, Laws of 1985 ex. sess. as amended by amending section 707, chapter 312, Laws of 1986 (uncodified); amending section 712, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 903, chapter 312, Laws of 1986 (uncodified); amending section 119, chapter 373, Laws of 1985 (uncodified); amending section 306, chapter 373, Laws of 1985 (uncodified); amending section 308, chapter 373, Laws of 1985 (uncodified); adding new sections to chapter 6, Laws of 1985 ex. sess.; adding a new section to chapter 373, Laws of 1985; repealing section 201, chapter 6, Laws of 1985 ex. sess., section 201, chapter 312, Laws of 1986 (uncodified); repealing section 202, chapter 6, Laws of 1985 ex. sess. (uncodified); repealing section 203, chapter 6, Laws of 1985 ex. sess., section 202, chapter 312, Laws of 1986 (uncodified); repealing section 204, chapter 6, Laws of 1985 ex. sess. (uncodified); repealing section 205, chapter 6, Laws of 1985 ex. sess., section 203, chapter 312, Laws of 1986 (uncodified); repealing section 206, chapter 6, Laws of 1985 ex. sess., section 204, chapter 312, Laws of 1986 (uncodified); repealing section 207, chapter 6, Laws of 1985 ex. sess., section 205, chapter 312, Laws of 1986 (uncodified); repealing section 208, chapter 6, Laws of 1985 ex. sess., section 206, chapter 312, Laws of 1986 (uncodified); repealing section 209, chapter 6, Laws of 1985 ex. sess. (uncodified); repealing section 210, chapter 6, Laws of 1985 ex. sess. (uncodified); repealing section 211, chapter 6, Laws of 1985 ex. sess., section 207, chapter 312, Laws of 1986 (uncodified); repealing section 212, chapter 6, Laws of 1985 ex. sess. (uncodified); repealing section 213, chapter 6, Laws of 1985 ex. sess. (uncodified); repealing section 214, chapter 6, Laws of 1985 ex. sess., section 209, chapter 312, Laws of 1986 (uncodified); and repealing section 215, chapter 6, Laws of 1985 ex. sess., section 210, chapter 312, Laws of 1986 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5352 by Senators Moore, Bender and Lee

AN ACT Relating to truth in gambling; amending RCW 67.70.040; adding a new section to chapter 9.46 RCW; adding a new section to chapter 67.16 RCW; and creating a new section.

Referred to Committee on Commerce and Labor.

SB 5353 by Senators Warnke, Conner, Bender and Vognild

AN ACT Relating to maintaining existing collective bargaining agreements; and adding a new section to chapter 49.36 RCW.

Referred to Committee on Commerce and Labor.

SB 5354 by Senators Kreidler, von Reichbauer and Bender

AN ACT Relating to driver's license qualifications; creating new sections; and providing an expiration date.

Referred to Committee on Transportation.

SB 5355 by Senators Talmadge, Moore and Fleming

AN ACT Relating to clothing donations to low-income persons; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Ways and Means.

SB 5356 by Senators Metcalf and Pullen

AN ACT Relating to juries; and adding a new section to chapter 4.44 RCW.

Referred to Committee on Judiciary.

SB 5357 by Senators McDermott, Newhouse, DeJarnatt, Sellar, Talmadge, Zimmerman, Wojahn, Patterson, Williams, Deccio, Fleming, Bottiger, Vognild, Conner, Bauer, Hansen, Garrett and Kreidler (by request of Washington Health Care Project Commission)

AN ACT Relating to health care; amending RCW 82.08.020, 82.04.050, 82.04.190, 82.04.460, 82.08.0273, 82.14.020, 35A.82.050, 48.14.080, 82.02.020, 82.04.060, 82.04.4282, 82.04.470, 82.04.480, 82.08.0273, 82.08.080, 82.08.090, 82.12.0252, 82.12.0253, 82.12.0254, 82.12.0255, 82.12.0259, 82.12.0279, 82.12.035, 82.12.040, and 82.12.060; reenacting and amending RCW 82.12.010; adding a new section to chapter 50.20 RCW; adding a new section to chapter 51.28 RCW; adding a new section to chapter 74.08 RCW; adding a new section to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; adding a new

chapter to Title 70 RCW; creating a new section; making appropriations; providing effective dates; and declaring an emergency.

Referred to Committee on Ways and Means.

**SB 5358** by Senators Benitz, Moore, Newhouse, Stratton, Hayner, Halsan, Hansen and Saling

AN ACT Relating to shipments of wine; and amending RCW 66.12.120.

Referred to Committee on Commerce and Labor.

**SB 5359** by Senators Moore, Bluechel, Gaspard and Johnson

AN ACT Relating to the office of the state actuary and creating a joint committee on pension policy; amending RCW 44.44.010, 44.44.030, and 44.44.040; adding new sections to chapter 44.44 RCW; and repealing RCW 44.44.020.

Referred to Committee on Ways and Means.

**SB 5360** by Senator McDermott (by request of Governor Gardner)

AN ACT Relating to excise taxation; amending RCW 82.04.4281, 82.04.4292, 82.04.4293, 82.04.080, 82.02.030, 82.04.280, 82.04.255; 82.04.240, 82.04.250, 82.04.270, 82.04.050, 82.04.190, 82.08.020, 82.04.070, 82.08.010, 82.04.460, 82.08.0273, 82.61.010, 82.61.030, 82.61.070, 82.12-.020, 82.12.040, 82.12.0252, 82.12.0255, 82.12.0259, 82.12.035, 82.12.0253, 82.14.060, and 82.04.440; reenacting and amending RCW 82.04.260 and 82.12.010; adding new sections to chapter 82.04 RCW; adding new sections to chapter 82.08 RCW; adding a new section to chapter 82.16 RCW; adding new sections to chapter 82.32 RCW; repealing RCW 82.16.040, 82.04.300, 82.04.2901, 82.04.2904, 82.08.0253, 82.61.040, and 82.08.100; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

**SB 5361** by Senators Tanner, Newhouse, Saling, Garrett, Deccio and Barr

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

Referred to Committee on Transportation.

**SB 5362** by Senators Stratton, Johnson and Vognild (by request of Governor Gardner)

AN ACT Relating to criminal activity; amending RCW 9.73.090, 9.94A.030, and 9.94A-.320; reenacting and amending RCW 9.73.030; adding new sections to chapter 9.73 RCW; adding a new section to chapter 69.50 RCW; repealing RCW 9.73.050; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

**SB 5363** by Senators Moore, Hansen, Talmadge, Stratton, McDermott, Garrett, Rasmussen and Deccio

AN ACT Relating to parking lots; and amending RCW 46.55.010 and 46.55.070.

Referred to Committee on Commerce and Labor.

**SB 5364** by Senators Gaspard, von Reichbauer and Johnson

AN ACT Relating to the state athletic commission; and amending RCW 67.08.001.

Referred to Committee on Governmental Operations.

**SB 5365** by Senators Talmadge, Zimmerman, Barr, Gaspard, Owen, Rasmussen, Deccio, Johnson and Nelson (by request of Legislative Budget Committee)

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

Referred to Committee on Governmental Operations.

**SB 5366** by Senators Halsan and Kreidler (by request of Governor Gardner)

AN ACT Relating to state boards and commissions; amending RCW 19.28.005, 19.28-.015, 19.28.060, 19.28.065, 19.28.120, 19.28.123, 19.28.125, 19.28.210, 19.28.260, 19.28.300, 19.28.310, 19.28.330, 19.28.350, 19.28.530, 19.28.540, 19.28.580, 19.28.620, 28B.12.050, 28B.12-.060, 27.04.030, 43.21F.025, 43.21F.065, 43.22.420, 46.04.040, 46.04.304, 46.04.710, 46.16.240.

46.32.060, 46.37.005, 46.37.010, 46.37.160, 46.37.185, 46.37.190, 46.37.194, 46.37.210, 46.37.280, 46.37.290, 46.37.300, 46.37.310, 46.37.320, 46.37.330, 46.37.365, 46.37.380, 46.37.420, 46.37.425, 46.37.430, 46.37.440, 46.37.450, 46.37.470, 46.37.490, 46.37.505, 46.37.510, 46.37.520, 46.37.529, 46.37.530, 46.37.535, 46.37.610, 46.38.020, 46.38.030, 46.38.040, 46.38.060, 46.55.010, 46.55.050, 46.55.170, 46.55.180, 46.61.563, 46.61.567, 46.61.687, 46.61.780, 47.36.250, 47.52.120, 70.107-070, 70.95B.020, 70.95B.040, 70.95B.070, 70.95B.100, 70.95B.130, 70.119.020, 70.119.050, 70.119.080, 70.119.110, and 70.119.140; adding a new section to chapter 70.95B RCW; adding a new section to chapter 70.119 RCW; creating a new section; and repealing RCW 1.30.010, 1.30.020, 1.30.030, 1.30.040, 1.30.050, 1.30.060, 41.06.083, 27.08.010, 27.08.045, 43.21F.085, 43.22.475, and 76.09.200.

Referred to Committee on Governmental Operations.

**SB 5367** by Senators Halsan and Bottiger (by request of Governor Gardner)

AN ACT Relating to the consolidation of administrative functions of the board of accountancy and the board of pharmacy; amending RCW 18.04.025, 18.04.045, 18.04.105, 18.04.195, 18.04.205, 18.04.215, 18.04.335, 18.04.350, 18.04.355, 18.04.005, 18.04.009, 18.04.011, 18.04.040, 18.04.043, 18.04.044, 18.04.045, 18.04.046, 18.04.047, 18.04.050, 18.04.080, 18.04.140, 18.04A-.030, 19.02.050, 43.03.028, 69.41.075, 69.50.201, 69.50.301, 69.50.302, 69.50.303, 69.50.304, 69.50.310, 69.50.500, 69.51.030, and 69.51.040; adding new sections to chapter 18.04 RCW; adding a new section to chapter 18.64 RCW; creating new sections; and repealing RCW 18.04.065 and 18.64.007.

Referred to Committee on Governmental Operations.

**SB 5368** by Senators Tanner, Zimmerman, Wojahn, Garrett, McCaslin and Bender (by request of Governor Gardner) (by request of Cemetery Board)

AN ACT Relating to the cemetery board; amending RCW 68.04.110, 68.05.030, 68.05-.040, 68.05.080, 68.05.090, 68.05.070, 68.05.100, 68.05.255, 68.46.140, 68.05.257, 68.48.050, 68.05.230, 68.05.220, 68.46.180, 68.46.095, 68.05.130, 68.05.140, 68.05.170, 68.05.250, 68.46.190, 68.46.200, 68.46.210, 68.46.230, 68.46.240, 68.46.250, 68.46.260, 68.05.280, 68.24.090, 68.40.010, 68.40.040, 68.40.060, 68.40.090, 68.44.010, 68.44.020, 68.44.110, 68.44.120, 68.44.130, 68.44.140, 68.44.150, 68.46.040, 68.46.060, 68.46.070, 68.46.100, 68.08.020, 68.08.090, 68.08.101, 68.08.105, 68.08.106, 68.08.110, 68.08.185, 68.08.220, 68.08.245, 68.08.300, 68.08.350, 68.08.510, 68.08.530, 68.08.560, 68.08.600, 68.08.610, 68.08.650, 68.08.660, 68.16.113, 68.18.010, 68.18.120, 18.39.215, 35A.40.050, 35A.42.010, 35A.56.010, 35A.68.010, and 46.20.113; adding new sections to chapter 68.05 RCW; adding a new section to chapter 68.20 RCW; adding new sections to chapter 68.40 RCW; adding new sections to chapter 68.44 RCW; adding a new section to chapter 68.46 RCW; creating new sections; recodifying RCW 68.05.070, 68.05.130, 68.05.140, 68.05.220, 68.05.230, 68.05.250, 68.05.255, 68.05.257, 68.05.260, 68.05.270, 68.05.380, 68.05.080, 68.08.020, 68.08.030, 68.08.040, 68.08.050, 68.08.060, 68.08.070, 68.08.080, 68.08.090, 68.08.100, 68.08.101, 68.08.102, 68.08.103, 68.08.104, 68.08.105, 68.08.106, 68.08.107, 68.08.108, 68.08.110, 68.08.120, 68.08.130, 68.08.135, 68.08.140, 68.08.145, 68.08.150, 68.08.160, 68.08.165, 68.08.170, 68.08.180, 68.08.185, 68.08.190, 68.08.200, 68.08.210, 68.08.220, 68.08.232, 68.08.240, 68.08.245, 68.08.300, 68.08.305, 68.08.320, 68.08.350, 68.08.355, 68.08.360, 68.08.500, 68.08.510, 68.08.520, 68.08.530, 68.08.540, 68.08.550, 68.08.560, 68.08.600, 68.08.610, 68.08.650, 68.08.660, 68.12.010, 68.12.020, 68.12.030, 68.12.040, 68.12.045, 68.12.050, 68.12.060, 68.12.065, 68.12.070, 68.12.080, 68.16.010, 68.16.020, 68.16.030, 68.16.040, 68.16.050, 68.16.060, 68.16.070, 68.16.080, 68.16.090, 68.16.100, 68.16.110, 68.16.111, 68.16.112, 68.16.113, 68.16.120, 68.16.130, 68.16.140, 68.16.150, 68.16.160, 68.16.170, 68.16.180, 68.16.190, 68.16.200, 68.16.210, 68.16.220, 68.16.230, 68.16.240, 68.16.250, 68.16.900, 68.18.010, 68.18.020, 68.18.030, 68.18.040, 68.18.050, 68.18.060, 68.18.070, 68.18.080, 68.18.090, 68.18.100, 68.18.110, 68.18.120, 68.20.100, 68.20.105, 68.46.095, 68.46.140, 68.46.180, 68.46.200, 68.46.210, 68.46.220, 68.46.230, 68.46.240, 68.46.250, 68.46.260, 68.46.290, 68.48.010, 68.48.020, 68.48.030, 68.48.040, 68.48.050, 68.48.060, 68.48.080, and 68.48.090; repealing RCW 43.131.187, 43.131.188, 68.05.110, 68.05.200, 68.05.270, 68.40.020, 68.40.030, 68.40.050, 68.40.070, 68.40.080, 68.46.120, and 68.48.070; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Governmental Operations.

**SB 5369** by Senators Garrett and Zimmerman (by request of Office of Financial Management)

AN ACT Relating to the deferred compensation revolving fund; and amending RCW 41.04.260.

Referred to Committee on Ways and Means.

**SB 5370** by Senators Garrett and Zimmerman (by request of Office of Financial Management)

AN ACT Relating to the state employees' insurance revolving fund: amending RCW 41.05.030, 41.05.040, and 41.05.050; and adding a new section to chapter 41.05 RCW.

Referred to Committee on Ways and Means.

SB 5371 by Senators Fleming, Talmadge, Wojahn, McDermott, Rasmussen and Kreidler

AN ACT Relating to restrictive covenants: reenacting and amending RCW 36.18.020; adding a new section to chapter 49.60 RCW; and creating a new section.

Referred to Committee on Judiciary.

SJM 8004 by Senators Metcalf, Owen, Rasmussen, Conner, Pullen, Vognilid, Deccio, Anderson, Bailey, Lee, Nelson, Bauer, West, Johnson, Craswell, Barr, von Reichbauer, Sellar, Benitz, Newhouse, Cantu, Hayner, McDonald, Saling and Patterson

Urging Congress to initiate a balanced budget amendment.

Referred to Committee on Ways and Means.

SJM 8005 by Senators Williams, Smitherman, Benitz, Owen, Stratton, Nelson, Tanner, Bauer, Rasmussen, Zimmerman, Saling and McCaslin

Petitioning Congress and the President to prohibit the sale of BPA.

Referred to Committee on Energy and Utilities.

SJR 8211 by Senators Halsan, DeJarnatt and Kreidler (by request of Governor Gardner)

Authorizing reorganization of the executive branch.

Referred to Committee on Governmental Operations.

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

## SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

### MOTION

On motion of Senator Wojahn, Gubernatorial Appointment No. 9031, Merlyn M. Bell, as a member of the Corrections Standards Board, was confirmed.

#### APPOINTMENT OF MERLYN M. BELL

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 42; absent, 3; excused, 4.

Voting yea: Senators Anderson, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Tanner, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 42.

Absent: Senators Craswell, Nelson, Talmadge - 3.

Excused: Senators Bailey, Hayner, Peterson, Smitherman - 4.

### MOTION

On motion of Senator Wojahn, Gubernatorial Appointment No. 9055, Judge B. J. McLean as a member of the Clemency and Pardons Board, was confirmed.

#### APPOINTMENT OF JUDGE B. J. McCLEAN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

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

Absent: Senator Nelson - 1.

Excused: Senators Bailey, Hayner, Peterson, Smitherman - 4.

## MOTIONS

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Vognild, the Committee on Commerce and Labor was relieved of further consideration of Gubernatorial Appointment No. 9034, Joanne Bailey Wilson, as a member of the Personnel Appeals Board.

On motion of Senator Vognild, Gubernatorial Appointment No. 9034 was referred to the Committee on Governmental Operations.

## MOTION

At 10:18 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 11:28 a.m. by President Cherberg.

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

## SECOND READING

SENATE BILL NO. 5002, by Senators Talmadge, Metcalf and Halsan

Revising provisions relating to the commission on judicial conduct.

The bill was read the second time.

## MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 5002 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5002.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5002 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

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

Excused: Senators Bailey, Hayner, Peterson - 3.

SENATE BILL NO. 5002, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5010, by Senators Halsan and Zimmerman

Recodifying the statute on legislative terms of office.

The bill was read the second time.

## MOTION

On motion of Senator Halsan, the rules were suspended, Senate Bill No. 5010 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5010.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5010 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

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

Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Bailey, Hayner, Peterson - 3.

SENATE BILL NO. 5010, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5012, by Senators Halsan and Zimmerman

Providing uniformity in the ballot order rotation of candidates.

The bill was read the second time.

#### MOTION

On motion of Senator Halsan, the rules were suspended, Senate Bill No. 5012 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5012.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5012 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

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

Excused: Senators Bailey, Hayner, Peterson - 3.

SENATE BILL NO. 5012, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5019, by Senators McCaslin and Lee

Permitting excess levies to assist the creation of sewer and water districts to be less than one dollar and twenty-five cents per one thousand dollars of assessed value.

The bill was read the second time.

#### MOTION

On motion of Senator Halsan, the rules were suspended, Senate Bill No. 5019 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5019.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5019 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

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

Excused: Senators Bailey, Hayner, Peterson - 3.

SENATE BILL NO. 5019, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5059, by Senators Warnke, Talmadge, Bender, Rasmussen, McDermott, Fleming, Conner, Lee, Vognild, Metcalf, Zimmerman, Garrett, Bauer, Smitherman, Williams and Wojahn (by request of Lieutenant Governor Cherberg)

Authorizing unemployment compensation during certain labor lockouts.

## MOTION

On motion of Senator Warnke, Substitute Senate Bill No. 5059 was substituted for Senate Bill No. 5059 and the substitute bill was placed on second reading and read the second time.

## MOTION

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

On page 2, after line 19, insert:

"Subsections (1) and (2) of this section shall have no effect on or after July 1, 1989."

On page 3, line 30, after "lockout" insert "before July 1, 1989"

On page 4, line 27, after "as of" strike "July 1, 1986" and insert "January 1, 1987"

Debate ensued.

## POINT OF INQUIRY

Senator Pullen: "Senator Warnke, you got a commitment that Governor Gardner will not item veto out your second amendment?"

Senator Warnke: "No, and I don't usually talk to the Governor about my amendments."

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

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

## MOTION

On motion of Senator Warnke, the rules were suspended, Engrossed Substitute Senate Bill No. 5059 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5059.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5059, and the bill failed to pass the Senate by the following vote: Yeas, 22; nays, 24; excused, 3.

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

Voting nay: Senators Anderson, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Saling, Sellar, Vognild, von Reichbauer, West, Zimmerman - 24.

Excused: Senators Bailey, Hayner, Peterson - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5059, having failed to receive the constitutional majority, was declared lost.

## NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Vognild served notice that he would move to reconsider the vote by which Engrossed Substitute Senate Bill No. 5059 failed to pass the Senate.

## MOTIONS

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

Senator Vognild moved that the Senate immediately reconsider the vote by which Engrossed Substitute Senate Bill No. 5059 failed to pass the Senate.

On motion of Senator Vognild, further consideration of Engrossed Substitute Senate Bill No. 5059, on reconsideration, was deferred.

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

#### REPORTS OF STANDING COMMITTEES

January 22, 1987

SB 5020 Prime Sponsor, Senator McCaslin: Authorizing creation of five-member board of county commissioners. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5020 be substituted therefor, and the substitute bill do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

January 22, 1987

SJR 8203 Prime Sponsor, Senator Halsan: Modifying constitutional provisions for alteration of county boundaries. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Joint Resolution No. 8203 be substituted therefor, and the substitute joint resolution do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

#### MOTION

At 12:23 p.m., on motion of Senator Vognild, the Senate adjourned until 12:00 noon, Tuesday, January 27, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## SIXTEENTH DAY

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### NOON SESSION

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Senate Chamber, Olympia, Tuesday, January 27, 1987

The Senate was called to order at 12:00 noon by President Cherberg. No roll call was taken.

The Sergeant at Arms Color Guard, consisting of Pages Stacy Ollis and Diana Arthur, presented the Colors. Reverend Hilton Jarvis, senior pastor of the Baptist Chapel of Lacey, offered the prayer.

### MOTION

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

### REPORTS OF STANDING COMMITTEES

January 26, 1987

SB 5130 Prime Sponsor, Senator Warnke: Revising provisions on sales of liquor by the bottle by class H licensees. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5130 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Anderson, Cantu, Lee, Sellar, Tanner, Vognild, West.

Passed to Committee on Rules for second reading.

January 26, 1987

SB 5252 Prime Sponsor, Senator Bailey: Establishing a primary prevention program for child abuse and neglect. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5252 be substituted therefor, and the substitute bill do pass and be referred to the Committee on Ways and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Craswell, Patterson, Saling, Smitherman, Warnke.

Referred to Committee on Ways and Means.

January 26, 1987

SB 5254 Prime Sponsor, Senator Warnke: Increasing penalties for the sale of liquor to minors. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5254 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Anderson, Cantu, Lee, Sellar, Tanner, Vognild, West.

Passed to Committee on Rules for second reading.

### MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

January 17, 1987

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

I have the honor to submit the following appointment, subject to your confirmation.

William A. Black, appointed January 17, 1987, for a term ending September 30, 1991, as a member of the Board of Trustees, Everett Community College District No. 5.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Education.

January 17, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Linda S. Johnson, appointed January 17, 1987, for a term ending September 30, 1991, as a member of the Board of Trustees, Shoreline Community College District No. 7.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Education.

January 17, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

James D. Avers, appointed January 17, 1987, for a term ending September 30, 1991, as a member of the Board of Trustees, Green River Community College District No. 10.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Education.

January 17, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Robert E. Hunt, reappointed January 17, 1987, for a term ending September 30, 1991, as a member of the Board of Trustees, Tacoma Community College District No. 22.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Education.

January 17, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Girard Clark, appointed January 17, 1987, for a term ending September 30, 1991, as a member of the Board of Trustees, Spokane Community College District No. 17.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Education.

January 17, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Gayer Dominick, appointed January 17, 1987, for a term ending September 30, 1991, as a member of the Board of Trustees, Centralia Community College District No. 12.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Education.

January 17, 1987

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

I have the honor to submit the following appointment, subject to your confirmation.

William G. Morris, appointed January 17, 1987, for a term ending September 30, 1991, as a member of the Board of Trustees, Clark Community College District No. 14.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Education.

January 17, 1987

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

I have the honor to submit the following appointment, subject to your confirmation.

Susan M. Johnson, appointed January 17, 1987, for a term ending September 30, 1990, as a member of the Board of Trustees, Shoreline Community College District No. 7.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Education.

#### MESSAGES FROM THE HOUSE

January 26, 1987

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 6, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

January 26, 1987

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 11,

HOUSE JOINT MEMORIAL NO. 4000, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

January 26, 1987

Mr. President:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4401, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### INTRODUCTION AND FIRST READING

SB 5372 by Senators Williams, Hansen, Bauer and Smitherman (by request of Energy Facility Site Evaluation Council)

AN ACT Relating to the energy facility site evaluation council; amending RCW 80.50-.020 and 90.48.262; and creating a new section.

Referred to Committee on Energy and Utilities.

SB 5373 by Senators Bottiger and Rasmussen (by request of Attorney General)

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

Referred to Committee on Financial Institutions.

**SB 5374** by Senators Newhouse, Bottiger, Hayner and Rasmussen (by request of Attorney General)

AN ACT Relating to violations of consumer protection laws; adding a new section to chapter 19.86 RCW; and declaring an emergency.

Referred to Committee on Commerce and Labor.

**SB 5375** by Senators Warnke, Smitherman and Bluechel

AN ACT Relating to mobile homes, commercial coaches, recreational vehicles, and factory built housing and commercial structures; and amending RCW 43.22.480.

Referred to Committee on Commerce and Labor.

**SB 5376** by Senators Rinehart, Bluechel, Kreidler, Hansen, Kiskaddon and Lee (by request of Department of Ecology)

AN ACT Relating to recycled paper; and amending RCW 43.19.537, 43.19.538, and 43.78.100.

Referred to Committee on Parks and Ecology.

**SB 5377** by Senators Wojahn, Kiskaddon, Stratton, Deccio and Johnson

AN ACT Relating to the department of public health and environment; amending RCW 43.17.010, 43.17.020, 17.21.230, 28B.20.456, 43.21A.030, 43.21A.040, 43.21A.050, 43.21A.060, 43.21A.070, 43.21A.080, 43.21A.100, 43.21A.200, 35A.70.070, 43.20A.010, 43.20A.030, 43.20A.060, 43.20A.140, 43.20A.360, 69.06.010, 69.06.020, and 69.06.040; reenacting and amending RCW 43.20.030; adding new sections to chapter 43.21A RCW; adding new sections to chapter 43.131 RCW; adding a new section to chapter 69.06 RCW; creating a new section; repealing RCW 43.21A.040, 43.21A.050, 43.20A.600, 43.20A.615, 43.20A.620, 43.20A.625, 43.20A.630, 43.20A.635, 43.20A.640, 43.20A.645, 43.20A.650, 43.20A.655, 43.20A.665, 43.21A.010, 43.21A.020, and 43.21A.140; providing an effective date; and declaring an emergency.

Referred to Committee on Human Services and Corrections.

**SB 5378** by Senators Wojahn and Kreidler

AN ACT Relating to prenatal testing for heritable and congenital disorders; adding a new chapter to Title 70 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding a new section to chapter 70.54 RCW; prescribing penalties; making an appropriation; providing effective dates; and declaring an emergency.

Referred to Committee on Human Services and Corrections.

**SB 5379** by Senators Owen, DeJarnatt, Conner and Rasmussen

AN ACT Relating to Grays Harbor salmon; adding new sections to chapter 75.08 RCW; and making an appropriation.

Referred to Committee on Natural Resources.

**SB 5380** by Senators Gaspard, Saling, Warnke, von Reichbauer, Vognild, Johnson, Bottiger, Conner, Bauer, Stratton, Nelson, Newhouse and Rasmussen

AN ACT Relating to cost-of-living adjustments of retirement benefits; amending RCW 41.32.485 and 41.40.198; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

**SB 5381** by Senators Hansen and Benitz

AN ACT Relating to custom slaughtering and meat facilities; amending RCW 16.49.440, 16.49.454, 16.49.610, and 16.49.670; adding new sections to chapter 16.49 RCW; creating a new section; and repealing RCW 16.49.430, 16.49.452, 16.49.600, 16.49.620, 16.49.640, 16.49.650, and 16.49.660.

Referred to Committee on Agriculture.

**SB 5382** by Senators Bauer, Benitz, Kreidler, McCaslin, Kiskaddon and Conner

AN ACT Relating to the practice of physical therapy; and amending RCW 18.74.010.

Referred to Committee on Human Services and Corrections.

SB 5383 by Senators Zimmerman, Saling, Gaspard, Rinehart and Lee

AN ACT Relating to capital improvements at community colleges; adding new sections to chapter 28B.50 RCW; and making an appropriation.

Referred to Committee on Education.

SB 5384 by Senators Tanner, DeJarnatt, Bauer, Conner and Halsan

AN ACT Relating to steelhead punchcards; and amending RCW 77.32.360 and 77.32.230.

Referred to Committee on Natural Resources.

SCR 8406 by Senators Owen, DeJarnatt, Lee, Bottiger, Kreidler, Rinehart, Bluechel, Moore and Conner

Creating joint committee on marine and ocean resources.

Referred to Committee on Natural Resources.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 6 by Representatives Wang and Patrick (by request of Statute Law Committee)

Recodifying statutes regulating gambling.

Referred to Committee on Commerce and Labor.

SHB 11 by Committee on Local Government (originally sponsored by Representatives Haugen, Madsen, Sayan and S. Wilson)

Authorizing emergency service communication districts.

Referred to Committee on Governmental Operations.

HJM 4000 by Representatives Walk, Schmidt, Baugher, D. Sommers, Sutherland, Meyers, J. Williams, Heavey, S. Wilson, Grimm, Fisher, Betrozoff, Haugen, May, Dellwo, Ferguson, Gallagher, O'Brien, K. Wilson, Kremen, Spanel, Cooper, Grant, Cantwell, Holm, Rayburn, Fisch, Miller and Hankins

Requesting Congress to enact a continuing Surface Transportation Assistance Act.

Referred to Committee on Transportation.

HCR 4401 by Representatives Jacobsen, Nelson and P. King

Extending the joint select committee on telecommunications.

Hold.

#### MOTION

On motion of Senator Vognild, House Concurrent Resolution No. 4401 was held on the desk.

#### MOTION

At 12:09 p.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Wednesday, January 28, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## SEVENTEENTH DAY

## MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 28, 1987

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Anderson, McDermott and Peterson. On motion of Senator Bender, Senators McDermott and Peterson were excused. On motion of Senator Zimmerman, Senator Anderson was excused.

The Sergeant at Arms Color Guard, consisting of Pages Christy Sparks and Danae Jones, presented the Colors. Reverend Hilton Jarvis, senior pastor of the Baptist Chapel of Lacey, offered the prayer.

## MOTION

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

## REPORTS OF STANDING COMMITTEES

January 27, 1987

SB 5014 Prime Sponsor, Senator Williams: Providing for weatherization of residences of low-income persons. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 5014 be substituted therefor, and the substitute bill do pass. Signed by Senators Williams, Chairman; Owen, Vice Chairman; Benitz, Cantu, Nelson, Smitherman, Stratton.

Passed to Committee on Rules for second reading.

January 26, 1987

SB 5110 Prime Sponsor, Senator Gaspard: Changing provisions relating to tuition and fee waivers for recipients of the Washington scholars award. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Craswell, Patterson, Saling, Warnke.

Passed to Committee on Rules for second reading.

January 26, 1987

SB 5152 Prime Sponsor, Senator Bauer: Establishing a pilot program to enhance student teaching. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Craswell, Patterson, Saling, Smitherman, Warnke.

Referred to Committee on Ways and Means.

January 27, 1987

SB 5185 Prime Sponsor, Senator Owen: Providing for the protection of hunters during legally established seasons. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Owen, Chairman; DeJarnatt, Vice Chairman; Conner, McDonald, Metcalf, Stratton.

January 26, 1987

SB 5203 Prime Sponsor, Senator Gaspard: Permitting a two-year tuition waiver under the Washington award for vocational excellence. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Craswell, Patterson, Saling, Smitherman, Warnke.

Passed to Committee on Rules for second reading.

January 26, 1987

SB 5246 Prime Sponsor, Senator Gaspard: Adopting the Washington award for excellence in teacher preparation program. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Craswell, Patterson, Saling, Warnke.

Passed to Committee on Rules for second reading.

January 26, 1987

SB 5247 Prime Sponsor, Senator Gaspard: Reviewing program approval standards for teachers, administrators, and educational staff associates. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Craswell, Patterson, Saling, Smitherman, Warnke.

Passed to Committee on Rules for second reading.

January 26, 1987

SB 5248 Prime Sponsor, Senator Smitherman: Providing for the development of model curriculum guidelines for vocational or applied courses. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Craswell, Patterson, Saling, Smitherman, Warnke.

Passed to Committee on Rules for second reading.

January 27, 1987

SB 5295 Prime Sponsor, Senator Warnke: Changing provisions relating to the lottery. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Tanner, Vognild, West, Wojahn.

Passed to Committee on Rules for second reading.

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

#### MOTION

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

#### SENATE RESOLUTION 1987-8605

by Senators Warnke, Conner, Rasmussen, Gaspard, Pullen, Tanner, Zimmerman and Bauer

WHEREAS, The Space Shuttle Challenger exploded moments after liftoff in the first in-the-air United States man-in-space disaster on January 28, 1986; and

WHEREAS, All seven members of the crew, including Shuttle Commander Francis R. Scobee, were killed in space; and

WHEREAS, This is the first anniversary of that shocking explosion; and

WHEREAS, Commander Francis R. Scobee was born in Cle Elum, Washington, in 1939, was raised in Auburn, Washington, where he attended grade school, and was graduated from Auburn High School in 1957; and

WHEREAS, Commander Scobee had a distinguished career that included receiving the Distinguished Flying Cross while serving in the military, and serving as an Air Force test pilot before becoming an astronaut; and

WHEREAS, All residents of the state of Washington took great pride in Commander Scobee's accomplishments; and

WHEREAS, Francis R. Scobee served as an inspiration to the youth of our state by acting as a true pioneer in space exploration; and

WHEREAS, Francis R. Scobee's parents, reside in Yakima, Washington;

NOW THEREFORE, BE IT RESOLVED, That we, the members of the Senate of the state of Washington express the gratitude of the people of our state for the bravery and citizenship exhibited by Commander Scobee, and offer our condolences to the Scobee family and their friends; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to the President of the United States, Ronald Reagan; Commander Scobee's family in Yakima; and to the Principal of Auburn High School and to the Principal of Dick Scobee Elementary School.

Senators Warnke, Deccio and Gaspard spoke on the accomplishments of Commander Francis R. Scobee, as well as the Challenger tragedy.

#### MOMENT OF SILENCE

At the request of Senator Rasmussen, a moment of silence was observed in memory of the crew from the Space Shuttle Challenger.

#### MOTION

At 10:17 a.m., on motion of Senator Bender, the Senate was declared to be at ease.

The Senate was called to order at 11:23 a.m. by President Cherberg.

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

#### INTRODUCTION AND FIRST READING

SB 5385 by Senators Craswell, Smitherman, Kiskaddon, McDonald, Johnson, Stratton, Anderson, Zimmerman, Rasmussen, Saling, Deccio and Hayner

AN ACT Relating to fund-raising activities for individuals during legislative sessions; and adding a new section to chapter 42.17 RCW.

Referred to Committee on Governmental Operations.

SB 5386 by Senators Stratton, Craswell, Smitherman, McDonald, Johnson, Tanner, McCaslin, Deccio, Anderson, Zimmerman, Rasmussen and Lee

AN ACT Relating to children and family services; adding new sections to chapter 74.14A RCW; and creating a new section.

Referred to Committee on Human Services and Corrections.

SB 5387 by Senators Conner, Craswell, Johnson, McDonald, Garrett, Stratton, Anderson, Rasmussen and Hayner

AN ACT Relating to church-related property tax exemptions; and amending RCW 84.36.030 and 84.36.800.

Referred to Committee on Ways and Means.

SB 5388 by Senators Tanner, Halsan, Pullen, Vognild, Barr, Owen, Stratton, McCaslin, West, Craswell, Peterson, Anderson, Conner, Bauer, Moore, Hansen, Benitz, Warnke, Smitherman, Garrett, Patterson, von Reichbauer, McDonald, Cantu, Nelson, Metcalf, Newhouse, Zimmerman, Johnson, Deccio, Lee, Saling and Sellar

AN ACT Relating to products liability actions involving firearms or ammunition; adding a new section to chapter 7.72 RCW; and creating a new section.

Referred to Committee on Judiciary.

SB 5389 by Senators Kreidler and Bluechel

AN ACT Relating to noise control; and amending RCW 70.107.060.

Referred to Committee on Parks and Ecology.

SB 5390 by Senators Warnke, Sellar, Stratton, Williams and Newhouse

AN ACT Relating to class I liquor licenses; and amending RCW 66.24.490.

Referred to Committee on Commerce and Labor.

SB 5391 by Senators Hansen, Barr and Sellar

AN ACT Relating to essential rail service; and reenacting and amending RCW 47.76.030.

Referred to Committee on Transportation.

SB 5392 by Senators Warnke, Wojahn, Vognild, Smitherman, Williams, Talmadge, Bender, Rasmussen and Conner (by request of Joint Select Committee on Unemployment Insurance and Compensation)

AN ACT Relating to qualification for unemployment compensation; and amending RCW 50.04.030.

Referred to Committee on Commerce and Labor.

SB 5393 by Senators Tanner, Warnke, Lee, Smitherman, Williams, Talmadge, Wojahn, Rasmussen and Moore (by request of Joint Select Committee on Unemployment Insurance and Compensation)

AN ACT Relating to unemployment; and amending RCW 50.62.010, 50.62.020, and 50.62.030.

Referred to Committee on Commerce and Labor.

SB 5394 by Senators Warnke, Owen, Smitherman, Rasmussen, Barr and Lee

AN ACT Relating to the Washington state sportsmen's commission and sportsmen's facility; adding a new chapter to Title 67 RCW; and making an appropriation.

Referred to Committee on Natural Resources.

SB 5395 by Senators Gaspard, Williams, Sellar and Warnke (by request of Secretary of State)

AN ACT Relating to historical records; and making an appropriation.

Referred to Committee on Governmental Operations.

SB 5396 by Senators Halsan, Zimmerman, Talmadge and Rasmussen (by request of Department of General Administration)

AN ACT Relating to real estate brokers and salesmen; and amending RCW 18.85.215.

Referred to Committee on Governmental Operations.

SB 5397 by Senators Warnke, Metcalf, DeJarnatt, Conner and Hansen

AN ACT Relating to beer and wine retailers; amending RCW 66.24.360 and 66.24.370; creating new sections; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 5398 by Senators Halsan, Fleming, Sellar, Warnke, Lee, Cantu, Tanner, Smitherman, Anderson and Wojahn

AN ACT Relating to industrial development corporations; amending RCW 31.24.010, 31.24.020, 31.24.030, 31.24.040, 31.24.050, 31.24.070, 31.24.080, 31.24.090, 31.24.100, 31.24.120, 31.24.130, 31.24.140, and 31.24.150; adding a new section to chapter 19.52 RCW; adding new sections to chapter 31.24 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; adding a new section to chapter 48.14 RCW; creating a new section; repealing RCW 31.24.060; prescribing penalties; and making an appropriation.

Referred to Committee on Commerce and Labor.

SB 5399 by Senators Kreidler, Kiskaddon and Williams

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

Referred to Committee on Parks and Ecology.

SB 5400 by Senators Gaspard, Bluechel, Bauer and Nelson

AN ACT Relating to real estate excise taxation; and amending RCW 82.45.010.

Referred to Committee on Ways and Means.

SB 5401 by Senators Kreidler, Sellar, Wojahn, McDermott, Bottiger, Zimmerman, Lee, Talmadge, Bluechel, Vognild, Fleming, Bender, Bailey, Garrett, Rinehart, Bauer, Moore, Hansen, Saling and Gaspard

AN ACT Relating to the natural death act; amending RCW 70.122.010, 70.122.020, 70.122.030, 70.122.050, 70.122.060, 70.122.070, 70.122.080, and 70.122.090; adding new sections to chapter 11.94 RCW; and adding new sections to chapter 70.122 RCW.

Referred to Committee on Human Services and Corrections.

SB 5402 by Senators DeJarnatt, Warnke, Sellar, Patterson, Conner and Rasmussen

AN ACT Relating to the restoration of withdrawn contributions under the public employees' retirement system; amending RCW 41.40.150; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5403 by Senator Bender

AN ACT Relating to the veterans affairs advisory committee; and amending RCW 43.60A.080.

Referred to Committee on Governmental Operations.

SB 5404 by Senators Wojahn, Stratton, Nelson, Halsan, Rasmussen and Moore

AN ACT Relating to care provided in the home; amending RCW 70.126.010, 48.21.220, 48.21A.090, and 48.44.320; adding a new chapter to Title 70 RCW; adding a new section to chapter 70.126 RCW; creating a new section; repealing RCW 70.126.040; prescribing penalties; and providing an effective date.

Referred to Committee on Human Services and Corrections.

SB 5405 by Senators Talmadge, Bluechel, Newhouse, Sellar, Benitz, McDonald and Cantu

AN ACT Relating to hazardous substance information; and amending RCW 49.70.020.

Referred to Committee on Parks and Ecology.

SB 5406 by Senators Bluechel, Hansen, Kreidler and Kiskaddon (by request of Department of Ecology)

AN ACT Relating to certification and regulation of operators of domestic waste treatment plants; amending RCW 70.95B.020, 70.95B.030, 70.95B.040, 70.95B.050, 70.95B.080, 70.95B.090, 70.95B.110, and 70.95B.120; and adding a new section to chapter 70.95B RCW.

Referred to Committee on Parks and Ecology.

SB 5407 by Senators Williams, West, Tanner and Rasmussen (by request of Department of Labor and Industries)

AN ACT Relating to subpoena power of the department of labor and industries; and amending RCW 51.04.040.

Referred to Committee on Commerce and Labor.

SB 5408 by Senators Warnke, Cantu, Wojahn and Garrett (by request of Department of Labor and Industries)

AN ACT Relating to asbestos projects; and amending RCW 49.26.130 and 49.26.140.

Referred to Committee on Commerce and Labor.

SB 5409 by Senators Warnke, Cantu and Vognild (by request of Department of Labor and Industries)

AN ACT Relating to the definition of wages for purposes of industrial insurance; and amending RCW 51.08.178.

Referred to Committee on Commerce and Labor.

## INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4401 by Representatives Jacobsen, Nelson and P. King

Extending the joint select committee on telecommunications.

## MOTION

On motion of Senator Vognild, the rules were suspended, House Concurrent Resolution No. 4401 was advanced to second reading and placed on the second reading calendar.

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

## SECOND READING

SENATE BILL NO. 5062, by Senators Talmadge, Newhouse, Halsan and Rasmussen (by request of Washington State Patrol)

Establishing information from another officer as probable cause to stop suspected traffic violators.

The bill was read the second time.

## MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 5062 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Barr: "Senator Talmadge might want to comment in response to my concern about this bill. In thinking back about all of the court proceedings and the involvement about the breathalyzer test, for example, how hard it was to really get a conviction, I am inclined not to support this bill because of the potential for challenges in court and what would really be the end result in this. There has been quite a movement on to lessen court cases, but I am inclined to oppose this bill because it would open that door and not accomplish what we think it might. Senator Talmadge might want to respond to this, or someone else."

Senator Talmadge: "In response to Senator Barr's question, Mr. President, the purpose of this solely relates to the issue of probable cause to arrest. Understand that under present law, if an officer observes a traffic infraction or misdemeanor in progress, then the officer doesn't have to have a warrant to arrest, they can simply detain the individual. Under ordinary circumstances, the officer has to have a warrant to arrest someone just as an officer has to have a search warrant or something like that. Under this bill, this says that if an officer sees a traffic infraction or a misdemeanor in progress and is unable to arrest that individual, they could, for example, radio to another officer and say, 'This guy is cruising through town at one-hundred miles per hour, can you stop him?' If that guy were to slow down to the speed limit, the second officer couldn't, under present law, detain them even though the other officer had called and said this guy has been doing one-hundred before. Or, an officer in an aircraft observing someone on the street going one-hundred miles an hour, the officer in the aircraft would have to be the one to detain them and obviously, that can't be the case physically. This bill permits the officers to, in effect, advise other officers that someone has been in violation of a traffic infraction or misdemeanor and allows the second officer to stop them without the necessity of a warrant or having seen or been around the actual commission of the violation in progress. It does not take away from the requirement that the officer who observed the violation of law, be in court and testify to the fact that someone had violated the law."

## POINT OF INQUIRY

Senator Newhouse: "Senator Talmadge, is it the intent then that both officers in a situation that you just described, must be in court or just one in prosecuting the case?"

Senator Talmadge: "My understanding Senator, is that only the person who saw the violation take place need be there."

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5062.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5062 and the bill passed the Senate by the following vote: Yeas, 37; nays, 8; absent, 1; excused, 3.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Gaspard, Halsan, Hayner, Kiskaddon, Kreidler, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 37.

Voting nay: Senators Barr, Benitz, Fleming, Garrett, Hansen, Johnson, McCaslin, West - 8.

Absent: Senator Lee - 1.

Excused: Senators Anderson, McDermott, Peterson - 3.

SENATE BILL NO. 5062, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5089, by Senators Halsan, Vognlid, Talmadge, Bailey, Stratton, Newhouse, Benitz, Kreidler, Bauer, Johnson, Gaspard and Moore

Prescribing penalties for homicide by abuse.

#### MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 5089 was substituted for Senate Bill No. 5089 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 5089 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Pullen: "Senator Talmadge, first of all I would like to commend you and Senator Halsan for your excellent work on this bill. Senator Halsan referred to the word 'torture' and as I looked through the bill, I did not see a definition of the word 'torture' anywhere in the bill. I think you would agree it is important to have legal terms like that precisely defined wherever possible. For example, we do not want to have a bill declared unconstitutional because it was unconstitutionally vague. I was wondering if there is a definition of 'torture' in another location in the RCW's and if not, is there any legal understanding of what the word 'torture' might involve?"

Senator Talmadge: "Senator, there is not, to my recollection, an existing definition of 'torture' in the Revised Code of Washington. This was language that was submitted to us by the Washington Association of Prosecuting Attorneys and their feeling was, there needed to be an emphasis on a pattern of behavior that involved a conception of repeated assaults or 'torture' and by 'torture', I assume that we mean that which that term ordinarily would be understood to mean by any knowledgeable person considering the issue, that is some sort of practice of serious physical involvement of the victim by that pattern of conduct."

#### FURTHER REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Thank you Mr. President. I would note that in addition to the remarks by Senator Halsan, which were exactly on target, that this is the first of a series of bills that this body will be considering with respect to the issue of children and child abuse. The Creekmere case for one reason or another, was a cathartic kind of case for the people in this state, but I have to tell you and I think people on the floor know that there are other Creekmere cases out there every single month in the state of Washington. They happen in places like Algona; they

happen in eastern Washington; they happen in Whatcom county; they happen in Clark County; they happen all across this state.

"This particular case, because of the attractiveness of that young child and the heinous circumstances of that case, caused people to give profound attention to the problem of child abuse, but I note it is not isolated to this case and that this isn't the only thing we need to do to deal with the problem. To deal with the problem of child abuse effectively, we have to deal with the criminal law, as we have done in this bill and provide for criminal sanctions to those people who would so far exceed the boundaries of civilized behavior as to do this kind of harm to children. We also need to deal with issues like education, which I know Senator Bailey is very concerned about, and appropriate social services to people so that we can prevent this kind of illicit conduct from happening.

"The one additional thing I would note for the members, is that this bill also affects other than children. It provides for these kinds of penalties where you have a developmentally disabled person affected or someone who is a dependent adult. This is consistent with Senator Moore's bill last session that dealt with the issue of dependent adults and developmentally disabled people, so that anyone who engages in this kind of practice of abuse is going to be subject to these kinds of penalties and as Senator Halsan said, 'We made this as serious a crime as we can make it.' We don't want to have a prosecutor be faced with the problem, as Seth Dawson was in Snohomish county, with not being able to seek murder in the first degree against someone who did this kind of damage to a child, because the difficulty in the proof of the premeditation factor was present. This is very appropriate public policy, but we have to remember those other cases and the need to address the other levels of concern about this problem."

Further debate ensued.

#### POINT OF INQUIRY

Senator Deccio: "Senator Talmadge, it is unfortunate that it takes so long to get around to doing things we should. You know, we first talked about child abuse back in 1981 and 1982, so it is good to see these things coming along. My question was, you specifically indicate a child or person under the age of sixteen. What about, I think you mentioned it, but I don't see it in the bill, those persons that are over the age of sixteen that are not capable, for example, someone with a developmental disability. Where in the bill does it take care of those?"

Senator Talmadge: "Looking at the substitute version of the bill, Senator, in Section 1, sub 1 of the bill, it also talks about causing the death of a child or person under the age of sixteen years, a developmentally disabled person or dependent adult. If you look down at sub 2, it references a dependent adult, meaning a person who, because of physical or mental disability or because of extreme advanced age, is dependent upon another person to provide the basic necessities of life. This is the definition, as I recall, that was used in the legislation last session that Senator Moore sponsored that provided for requirements of reporting with respect to dependent adults who were abused by people in an institutional setting."

Senator Deccio: "Thank you, I was looking at the original bill. My next question, about twenty years ago I think, in Yakima, there was a situation that was even worse than the Creekmore case where a youngster who was the age of four, was just a normal youngster full of spunk and the family was religious and they thought that he was possessed of the devil and the entire family contributed to the death over a period of two or three years. Finally, they would kick him like a football from one person to another and eventually after about three years, he died. Two questions; one, how do you deal with a multiple grievance like that and is there anything in the law which deals with maybe a situation going on for two or three years and finally resulting in the death of the individual?"

Senator Talmadge: "In response to that Senator Deccio, I think the answer is that that would clearly qualify for a pattern of assault or a pattern of 'torture' that this bill references specifically. As to who would be charged with the crime and who would be considered the accomplice, obviously, that would be a responsibility of the prosecutor, looking at the facts of the case and trying to determine who it was that really essentially took the lead in doing that kind of thing. I think your

point is a good one in not only the Creekmore case, but cases like that. Of course, I think that many members of the Senate saw the case of the child who died because the parents withheld milk and other necessities of life from that child. There was a case in Algona, as I recall, about the same time as the Creekmore case where a child was abused to death, also. It didn't get the same kind of attention, but all of us here know there are other cases like the Creekmore case out there that need to be addressed along with the one that got so much attention."

Senator Deccio: "Thank you, Senator. I would like to continue, Mr. President, and I'll make it brief. For one who has followed this issue since I have been in the House and the Senate, I don't think there is a person on this floor that doesn't feel that this is a piece of legislation whose time has come and it is not the end of this kind of legislation. I think we need to do something in order to make sure that the Department was responsible in these instances, also members of the public--doctors, teachers, those people in a position to recognize early child abuse cases--are all going to play a part in getting a handle on this issue. We may never solve the problem of child abuse, but we can certainly, through education, through treatment and through penalties like this, at least make a dent in probably one of the greatest social problems that we've got in the United States today. I certainly add my voice to its approval."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5089.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5089 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

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

Excused: Senators Anderson, Peterson - 2.

SUBSTITUTE SENATE BILL NO. 5089, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

#### REPORTS OF STANDING COMMITTEES

January 27, 1987

SB 5139 Prime Sponsor, Senator McDermott: Consolidating cigarette tax provisions. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Cantu, Craswell, Deccio, Hayner, Kreidler, Lee, Moore, Rinehart, Talmadge, Warnke, Williams, Zimmerman.

Passed to Committee on Rules for second reading.

January 22, 1987

SB 5161 Prime Sponsor, Senator Wojahn: Revising the purchasing authority for state hospitals for the mentally ill. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Tanner.

Passed to Committee on Rules for second reading.

January 27, 1987

SB 5195 Prime Sponsor, Senator Moore: Revising provisions on insurance. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Fleming, McDermott, Metcalf, Pullen, von Reichbauer.

Passed to Committee on Rules for second reading.

January 27, 1987

SB 5234 Prime Sponsor, Senator McDermott: Modifying timber excise tax administrative provisions. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Cantu, Craswell, Deccio, Hayner, Kreidler, Lee, McDonald, Moore, Rinehart, Talmadge, Warnke, Williams.

Passed to Committee on Rules for second reading.

January 27, 1987

SB 5238 Prime Sponsor, Senator McDermott: Clarifying the taxation of tangible personal property used both inside and outside of the state. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Cantu, Craswell, Deccio, Hayner, Lee, McDonald, Moore, Rinehart, Talmadge, Warnke, Williams, Zimmerman.

Passed to Committee on Rules for second reading.

January 27, 1987

SB 5239 Prime Sponsor, Senator McDermott: Transferring assessment authority for motor vehicle transportation companies to county assessors. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Cantu, Craswell, Deccio, Hayner, Kreidler, Lee, McDonald, Moore, Rinehart, Saling, Talmadge, Warnke, Williams, Zimmerman.

Passed to Committee on Rules for second reading.

January 27, 1987

SB 5267 Prime Sponsor, Senator McDermott: Exempting purchases with food coupons from sales and use tax. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Cantu, Craswell, Deccio, Kreidler, Lee, Moore, Rinehart, Talmadge, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

January 27, 1987

SB 5271 Prime Sponsor, Senator Wojahn: Requiring early submission of executive or agency requests with budgetary impact of \$50,000 or more. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Cantu, Craswell, Deccio, Hayner, Kreidler, McDonald, Talmadge, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

#### MOTION

At 11:56 a.m., on motion of Senator Vognild, the Senate adjourned until 11:30 a.m., Thursday, January 29, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## EIGHTEENTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Thursday, January 29, 1987

The Senate was called to order at 11:30 a.m. by President Cherberg. No roll call was taken.

The Sergeant at Arms Color Guard, consisting of Pages Claire Weldin and Justin Zimmerman, presented the Colors. Reverend Hilton Jarvis, senior pastor of the Baptist Chapel of Lacey, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

January 27, 1987

SB 5034 Prime Sponsor, Senator Garrett: Updating the Model Traffic Ordinance. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Vice Chairman; Tanner, Vice Chairman; Bailey, Bender, Conner, DeJarnatt, Garrett, Nelson, Patterson, Smitherman.

Passed to Committee on Rules for second reading.

January 28, 1987

SB 5075 Prime Sponsor, Senator Peterson: Making historic preservation a priority use of state-owned aquatic lands. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5075 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; DeJarnatt, Vice Chairman; Barr, Craswell, McDonald, Metcalf, Stratton.

Passed to Committee on Rules for second reading.

January 27, 1987

SB 5107 Prime Sponsor, Senator Conner: Levying motor vehicle excise tax only for the actual license period. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5107 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Vice Chairman; Tanner, Vice Chairman; Barr, Bender, Conner, DeJarnatt, Garrett, Johnson, Nelson, Smitherman.

Passed to Committee on Rules for second reading.

January 27, 1987

SB 5136 Prime Sponsor, Senator Owen: Issuing special license plates to Pearl Harbor survivors. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5136 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Vice Chairman; Tanner, Vice Chairman; Bender, Conner, DeJarnatt, Garrett, Johnson, Nelson, Patterson, Sellar, Smitherman, West.

Passed to Committee on Rules for second reading.

January 27, 1987

SB 5157 Prime Sponsor, Senator Owen: Authorizing the carrying of hand guns while hunting. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5157 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; DeJarnatt; Vice Chairman; Conner, Craswell, McDonald, Metcalf, Stratton.

Passed to Committee on Rules for second reading.

January 28, 1987

SB 5172 Prime Sponsor, Senator Talmadge: Revising provisions relating to victims and witnesses of crimes. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Bottiger, McCaslin, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

January 27, 1987

SB 5174 Prime Sponsor, Senator Hansen: Allowing the state investment board to invest in Washington land bank. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 5174 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Chairman; Anderson, Bailey, Barr, Gaspard.

Passed to Committee on Rules for second reading.

January 27, 1987

SB 5206 Prime Sponsor, Senator Talmadge: Authorizing additional superior court judges. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5206 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Bottiger, McCaslin, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

#### MESSAGE FROM THE GOVERNOR

January 28, 1987

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

I wish to withdraw the name of Phyllis G. Kenney as an appointment to the Indeterminate Sentencing Review Board. She has submitted her resignation effective January 30, 1987.

Sincerely,  
BOOTH GARDNER, Governor

#### MESSAGES FROM THE HOUSE

January 28, 1987

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 2,

SUBSTITUTE HOUSE BILL NO. 9,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 26,

HOUSE BILL NO. 148, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

January 28, 1987

Mr. President:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4406, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### INTRODUCTION AND FIRST READING

SB 5410 by Senators Conner, Warnke, Newhouse and Vognild

AN ACT Relating to appeals to the employment security department; and amending RCW 50.32.020, 50.32.030, 50.32.040, 50.32.050, and 50.32.070.

Referred to Committee on Commerce and Labor.

SB 5411 by Senators Moore, Metcalf, Vognild, Sellar, Bender and Newhouse

AN ACT Relating to fraternal benefit societies; adding a new chapter to Title 48 RCW; repealing RCW 48.36.010, 48.36.020, 48.36.030, 48.36.040, 48.36.050, 48.36.060, 48.36.070, 48.36.080, 48.36.090, 48.36.100, 48.36.120, 48.36.130, 48.36.140, 48.36.150, 48.36.160, 48.36.170, 48.36.180, 48.36.190, 48.36.200, 48.36.210, 48.36.220, 48.36.230, 48.36.240, 48.36.250, 48.36.260, 48.36.270, 48.36.280, 48.36.290, 48.36.300, 48.36.310, 48.36.320, 48.36.330, 48.36.340, 48.36.350, 48.36.370, 48.36.380, 48.36.390, 48.36.400, 48.36.410, 48.36.420, 48.36.430, and 48.36.440; prescribing penalties; and providing an effective date.

Referred to Committee on Financial Institutions.

SB 5412 by Senators Talmadge and Newhouse

AN ACT Relating to privileged communications for osteopathic registered nurses; and amending RCW 5.62.010.

Referred to Committee on Judiciary.

SB 5413 by Senators Peterson, Patterson, Hansen, Garrett and Barr (by request of Department of Transportation)

AN ACT Relating to state highways; amending RCW 47.17.005, 47.17.035, 47.17.045, 47.17.050, 47.17.065, 47.17.075, 47.17.090, 47.17.095, 47.17.155, 47.17.165, 47.17.180, 47.17.285, 47.17.320, 47.17.365, 47.17.385, 47.17.395, 47.17.405, 47.17.435, 47.17.460, 47.17.480, 47.17.545, 47.17.567, 47.17.610, and 47.17.630; adding a new section to chapter 47.17 RCW; and repealing RCW 47.17.290.

Referred to Committee on Transportation.

SB 5414 by Senators Peterson, Patterson and Hansen (by request of Department of Transportation)

AN ACT Relating to plating requirements; and amending RCW 58.17.040.

Referred to Committee on Transportation.

SB 5415 by Senators Peterson, Patterson, Hansen and Garrett (by request of Department of Transportation)

AN ACT Relating to rights of way; and amending RCW 47.24.020.

Referred to Committee on Transportation.

SB 5416 by Senators Peterson, Patterson and Hansen (by request of Department of Transportation)

AN ACT Relating to limited access facilities; amending RCW 47.52.131 and 47.52.133; and adding a new section to chapter 47.52 RCW.

Referred to Committee on Transportation.

SB 5417 by Senators Peterson, Patterson and Hansen (by request of Department of Transportation)

AN ACT Relating to ferry system facilities; and amending RCW 47.60.140.

Referred to Committee on Transportation.

SB 5418 by Senator Tanner

AN ACT Relating to the Washington state patrol; and amending RCW 43.43.310.

Referred to Committee on Transportation.

SB 5419 by Senators Warnke, Lee and Vognild

AN ACT Relating to polygraph examiners; adding a new chapter to Title 18 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 5420 by Senators Moore, Bender, Warnke and Williams

AN ACT Relating to service credit of school district employees; and amending RCW 41.40.450.

Referred to Committee on Ways and Means.

SB 5421 by Senators Tanner, Bluechel, Bender and McDonald

AN ACT Relating to bicycle programs; adding new sections to chapter 43.59 RCW; and making an appropriation.

Referred to Committee on Transportation.

**SB 5422** by Senators Owen, Rasmussen and Barr

AN ACT Relating to net fishing for bottomfish; and adding a new section to chapter 75.12 RCW.

Referred to Committee on Natural Resources.

**SB 5423** by Senators Peterson, Metcalf, Patterson, Johnson, Garrett and Bender

AN ACT Relating to special license plates for honorary consuls of foreign governments; and adding a new section to chapter 46.16 RCW.

Referred to Committee on Transportation.

**SB 5424** by Senators Owen, McDonald and DeJarnatt

AN ACT Relating to the use of proceeds from the sale or lease of aquatic lands and the sale of materials therefrom; amending RCW 79.24.580; and adding a new section to chapter 43.79 RCW.

Referred to Committee on Natural Resources.

**SB 5425** by Senators Williams, Benitz and Owen (by request of Washington State Energy Office)

AN ACT Relating to district heating systems; and amending RCW 80.62.010, 80.62.020, 35.97.020, and 35.97.010.

Referred to Committee on Energy and Utilities.

**SB 5426** by Senators Williams, Benitz and Owen (by request of Washington State Energy Office)

AN ACT Relating to the thermal transmittance testing report; and amending RCW 19.27A.040.

Referred to Committee on Energy and Utilities.

**SB 5427** by Senators Kreidler and Bluechel (by request of Attorney General)

AN ACT Relating to simplifying and clarifying procedures of the department of ecology, local air pollution control authorities, and the pollution control hearings board; amending RCW 43.21B.240, 43.21B.110, 43.27A.190, 70.105.080, 90.14.130, 90.14.190, 90.48.240, 70.105.095, 90.48.144, 70.94.332, 70.94.431, 90.48.350, 70.95.210, 70.107.050, 86.16.110, 18.104.130, 43.20A.140, 43.21.110, 43.21.140, 43.21.160, 43.21.190, 43.21.220, 43.21B.140, 43.27A.020, 43.27A.080, 43.49.010, 43.49.020, 70.94.030, 70.94.053, 70.94.142, 70.94.143, 70.94.151, 70.94.200, 70.94.331, 70.94.350, 70.94.385, 70.94.390, 70.94.395, 70.94.400, 70.94.420, 70.94.425, 70.94.510, 70.94.405, 70.94.410, 86.16.025, 86.16.027, 86.16.030, 86.16.035, 86.16.040, 86.16.060, 86.16.065, 86.16.067, 86.16.070, 86.16.080, 86.16.090, 86.16.130, 86.16.170, 86.18.030, 86.24.020, 90.03.280, 90.03.320, 90.03.030, 90.03.060, 90.03.070, 90.03.100, 90.03.110, 90.03.120, 90.03.130, 90.03.140, 90.03.160, 90.03.170, 90.03.190, 90.03.200, 90.03.210, 90.03.230, 90.03.240, 90.03.250, 90.03.260, 90.03.270, 90.03.290, 90.03.300, 90.03.310, 90.03.330, 90.03.340, 90.03.350, 90.03.360, 90.03.370, 90.03.380, 90.03.390, 90.03.430, 90.03.440, 90.03.470, 90.03.471, 90.14.150, 90.14.180, 90.14.230, 90.22.010, 90.22.040, 90.24.030, 90.44.035, 90.44.050, 90.44.060, 90.44.070, 90.44.080, 90.44.090, 90.44.100, 90.44.110, 90.44.120, 90.44.130, 90.44.180, 90.44.200, 90.44.220, 90.44.230, 90.44.250, 90.48.020, 90.48.030, 90.48.035, 90.48.037, 90.48.080, 90.48.090, 90.48.095, 90.48.100, 90.48.110, 90.48.120, 90.48.142, 90.48.153, 90.48.156, 90.48.165, 90.48.170, 90.48.180, 90.48.190, 90.48.195, 90.48.200, 90.48.250, 90.48.270, 90.48.280, 90.48.285, 90.48.290, 90.48.320, 90.48.330, 90.48.340, 90.48.343, 90.48.345, 90.48.355, 90.48.360, 90.48.365, 90.50.020, 90.50.030, 90.62.080, and 43.83B.335; reenacting and amending RCW 90.24.060; adding new sections to chapter 43.21B RCW; adding new sections to chapter 90.03 RCW; recodifying RCW 43.83B.335; creating new sections; and repealing RCW 18.104.140, 43.21.100, 43.21.120, 43.21.150, 43.21B.120, 43.21B.200, 43.21B.220, 43.27A.200, 43.27A.210, 70.94.223, 70.94.333, 70.94.334, 90.03.080, 90.03.480, 90.44.215, 90.48.135, and 90.48.210.

Referred to Committee on Parks and Ecology.

**SB 5428** by Senators Warnke, Sellar and Garrett

AN ACT Relating to cities and towns; amending RCW 35.23.353; and reenacting and amending RCW 35.23.352.

Referred to Committee on Governmental Operations.

SB 5429 by Senators Rinehart, Saling, Gaspard and Stratton

AN ACT Relating to the community college instructional improvement program; and adding new sections to chapter 28B.50 RCW.

Referred to Committee on Education.

SB 5430 by Senators Bottiger, Gaspard, Hayner, Bauer, Deccio, von Reichbauer, Stratton, Warnke, Benitz, Wojahn, Johnson and Tanner

AN ACT Relating to higher education; authorizing contracts with independent institutions of higher education for instructional programmatic services; adding new sections to chapter 28B.10 RCW; and creating a new section.

Referred to Committee on Education.

SB 5431 by Senators Smitherman and Craswell

AN ACT Relating to the taxation of fuel used by state ferries; and reenacting and amending RCW 82.08.0255 and 82.12.0256.

Referred to Committee on Ways and Means.

SB 5432 by Senators Owen, Warnke, Garrett, Lee, von Reichbauer, Stratton and Moore

AN ACT Relating to the major crimes investigation and assistance unit; amending RCW 43.43.600, 43.43.610, 43.43.630, 43.43.650, and 43.43.785; adding new sections to chapter 43.43 RCW; and repealing RCW 43.43.620.

Referred to Committee on Judiciary.

SB 5433 by Senators Bauer, Bailey, Bender, Gaspard, Rinehart, Saling, Patterson and Zimmerman

AN ACT Relating to higher education programs leading to the certification of teachers; and adding new sections to chapter 28B.80 RCW.

Referred to Committee on Education.

SB 5434 by Senators Kiskaddon, Kreidler and Lee

AN ACT Relating to land areas along the Pacific Ocean; amending RCW 35.21.230, 43.51.680, 79.94.340, 79.94.350, 79.94.360, and 79.94.380; adding a new section to chapter 43.51 RCW; creating a new section; and repealing RCW 43.51.685 and 79.94.370.

Referred to Committee on Parks and Ecology.

SB 5435 by Senators Kreidler and Rinehart (by request of Department of Ecology)

AN ACT Relating to the environment; amending RCW 70.105A.010, 70.105A.020, and 70.105A.080; adding a new section to chapter 43.21C RCW; adding new sections to chapter 70.105 RCW; adding a new chapter to Title 82 RCW; creating new sections; repealing RCW 70.105A.030, 70.105A.040, 70.105A.050, 70.105A.060, 70.105A.070, 70.105A.900, and 70.105A.905; and prescribing penalties.

Referred to Committee on Parks and Ecology.

SB 5436 by Senator Warnke

AN ACT Relating to unemployment compensation; reenacting and amending RCW 50.29.020; and adding a new section to chapter 50.44 RCW.

Referred to Committee on Commerce and Labor.

SB 5437 by Senators McDermott, Bluechel, Rinehart and McDonald

AN ACT Relating to the University of Washington; and amending RCW 28B.20.392.

Referred to Committee on Ways and Means.

SB 5438 by Senators Owen, Patterson, Stratton and DeJarnatt

AN ACT Relating to the exchange of public lands; and amending RCW 79.08.180.

Referred to Committee on Natural Resources.

SB 5439 by Senators Owen, Metcalf, Patterson and Stratton

AN ACT Relating to the department of natural resources; and amending RCW 58.24.010, 58.24.020, 58.24.030, 58.24.040, 58.24.060, and 58.24.070.

Referred to Committee on Natural Resources.

SB 5440 by Senators Bauer, Hansen, Smitherman, Stratton, Sellar, Bottiger, Anderson, Lee, Cantu, West and Barr

AN ACT Relating to unemployment insurance for agricultural labor; and amending RCW 50.04.155.

Referred to Committee on Commerce and Labor.

SB 5441 by Senators DeJarnatt, Lee, Warnke, Smitherman, Newhouse, Tanner, McDonald and Rasmussen (by request of Joint Select Committee on Unemployment Compensation and Insurance)

AN ACT Relating to local reemployment centers; reenacting and amending RCW 42.17.310; adding a new chapter to Title 50 RCW; creating a new section; and making an appropriation.

Referred to Committee on Commerce and Labor.

SB 5442 by Senator Barr

AN ACT Relating to forest fires; and adding a new section to chapter 76.04 RCW.

Referred to Committee on Natural Resources.

SB 5443 by Senator Barr

AN ACT Relating to appeals of actions on state-owned aquatic lands; and amending RCW 79.90.400, 79.01.500, 43.21B.010, 43.21B.110, 43.21B.140, 43.21B.150, 43.21B.160, 43.21B.180, and 43.21B.230.

Referred to Committee on Natural Resources.

SB 5444 by Senators Moore, Metcalf, Vognild, Pullen, Conner, von Reichbauer, Bender, Barr, Talmadge, Deccio, Johnson, Garrett, Owen, Rasmussen, West, Smitherman, Patterson, Craswell, Tanner, Nelson, Bailey, Bauer, Zimmerman, Hayner and Sellar

AN ACT Relating to the federal reserve system; creating new sections; and providing for submission of this act to a vote of the people.

Referred to Committee on Financial Institutions.

SJR 8212 by Senators Gaspard, Patterson, Rinehart and Saling

Authorizing the investment of public land permanent funds.

Referred to Committee on Education.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 2 by Committee on Local Government (originally sponsored by Representatives Haugen, Hine, Allen, Nutley, Ferguson, Barnes, Valle, Unsoeld and P. King)

Modifying provisions relating to water and sewer districts.

Referred to Committee on Governmental Operations.

SHB 9 by Committee on Local Government (originally sponsored by Representatives Haugen, L. Smith, S. Wilson and P. King)

Authorizing public utilities to establish joint utilities.

Referred to Committee on Governmental Operations.

ESHB 26 by Committee on Commerce and Labor (originally sponsored by Representatives Wang, Patrick, Sayan, Fisch, Walker, H. Sommers and R. King) (by request of Washington State Lottery)

Changing provisions relating to the lottery.

Referred to Committee on Commerce and Labor.

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

Implementing the uniform business identification system among state agencies.

Referred to Committee on Commerce and Labor.

HCR 4406 by Representatives McMullen and Ballard

Arranging a memorial service for former legislators.

HOLD.

#### MOTION

On motion of Senator Vogniid, the rules were suspended, House Concurrent Resolution No. 4406 was advanced to second reading and placed on the second reading calendar.

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

#### REPORTS OF STANDING COMMITTEES

January 28, 1987

SB 5104 Prime Sponsor, Senator Kreidler: Modifying provisions relating to money received by the parks and recreation commission. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 5104 be substituted therefor, and the substitute bill do pass. Signed by Senators Kreidler, Chairman; Rinehart, Vice Chairman; Bluechel, Kiskaddon.

Passed to Committee on Rules for second reading.

January 28, 1987

SB 5322 Prime Sponsor, Senator Kreidler: Providing for management of natural resources conservation areas. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 5322 be substituted therefor, and the substitute bill do pass. Signed by Senators Kreidler, Chairman; Rinehart, Vice Chairman; Bluechel, Kiskaddon.

Passed to Committee on Rules for second reading.

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

#### MOTION

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

#### SENATE RESOLUTION 1987-8604

by Senator DeJarnatt

WHEREAS, 1987 marks the 67th anniversary of the Aberdeen Elks #593 Band; and

WHEREAS, Director Craig Wellington and his predecessor Don McCaw and the fifty-five members of the Band have given tirelessly of their time, bringing entertainment and pleasure to thousands of citizens every year; and

WHEREAS, The Aberdeen Elks Band is composed of volunteers ranging in age from 24 to 83, and hailing from Grays Harbor, Raymond, Olympia and Seattle; and

WHEREAS, The Aberdeen Elks Band has represented Aberdeen and the state of Washington at Grand Lodge Conventions in New Orleans, Las Vegas, Honolulu, Houston and Seattle; and

WHEREAS, The Aberdeen Elks Band regularly performs at Elks lodges throughout the Northwest and at numerous community and patriotic events; and

WHEREAS, This outstanding group of musicians was honored in 1974 by being named "The National Elks Band" at the Grand Lodge Convention in Chicago; and

WHEREAS, The Aberdeen Elks Band received the Elks Grand Lodge Award for its participation in fundraising concerts on behalf of the restoration of the Statue of Liberty;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the Aberdeen Elks #593 Band for sixty-seven years of dedicated service to the cause of good music and for representing the state of Washington as outstanding ambassadors of good will across the nation; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit copies of this resolution to the Aberdeen Elks Lodge 593, to Craig Wellington, the director, and to the fifty-five members of this outstanding band.

MOTION

At 11:45 p.m., on motion of Senator Vognild, the Senate adjourned until 12:00 noon, Friday, January 30, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## NINETEENTH DAY

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### NOON SESSION

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Senate Chamber, Olympia, Friday, January 30, 1987

The Senate was called to order at 12:00 noon by President Cherberg. No roll call was taken.

The Sergeant at Arms Color Guard, consisting of Pages Merri Benjamin and Justin Zimmerman, presented the Colors. Reverend Hilton Jarvis, senior pastor of the Baptist Chapel of Lacey, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

January 28, 1987

SB 5001 Prime Sponsor, Senator Talmadge: Revising the judicial council. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5001 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Nelson, Newhouse.

Passed to Committee on Rules for second reading.

January 29, 1987

SB 5103 Prime Sponsor, Senator Bottiger: Authorizing superior court commissioners to solemnize marriages. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Bottiger, McCaslin, Moore, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

January 29, 1987

SB 5170 Prime Sponsor, Senator Hansen: Changing provisions relating to agricultural fees and assessments. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 5170 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Chairman; Bauer, Vice Chairman; Bailey, Barr, Gaspard.

Passed to Committee on Rules for second reading.

January 29, 1987

SB 5197 Prime Sponsor, Senator Gaspard: Establishing the community college international student exchange program. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Craswell, Patterson, Saling, Warnke.

Passed to Committee on Rules for second reading.

January 29, 1987

SB 5206 Prime Sponsor, Senator Talmadge: Authorizing additional superior court judges. Reported by Committee on Rules

MAJORITY recommendation: Refer to Committee on Ways and Means. Signed by John A. Cherberg, Chairman; Senators Rasmussen, Vice Chairman; Bauer, Bender, Benitz, Bottiger, Conner, Fleming, Garrett, Hayner, Newhouse, Sellar, Vognild, von Reichbauer, Zimmerman.

Referred to Committee on Ways and Means.

January 29, 1987

SB 5227 Prime Sponsor, Senator Wojahn: Consolidating statutes regarding revenue recovery for social and health services. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Deccio, Kiskaddon, Kreidler, Tanner.

Passed to Committee on Rules for second reading.

January 28, 1987

SB 5235 Prime Sponsor, Senator McDermott: Clarifying the public utility tax on sewerage collection businesses. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Cantu, Deccio, Lee, McDonald, Moore, Owen, Saling, Talmadge, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

January 28, 1987

SB 5243 Prime Sponsor, Senator McDermott: Expanding enforcement provisions on cigarette taxes. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Cantu, Deccio, Kreidler, Lee, McDonald, Owen, Rasmussen, Rinehart, Saling, Wojahn.

Passed to Committee on Rules for second reading.

January 28, 1987

SB 5244 Prime Sponsor, Senator McDermott: Authorizing service by certified mail, return receipt requested, of notices to withhold and deliver property due or owned by a taxpayer. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Cantu, Craswell, Deccio, Kreidler, Lee, McDonald, Owen, Rasmussen, Rinehart, Saling, Wojahn.

Passed to Committee on Rules for second reading.

January 29, 1987

SB 5295 Prime Sponsor, Senator Warnke: Changing provisions relating to the lottery. Reported by Committee on Rules

MAJORITY recommendation: Refer to Committee on Ways and Means. Signed by John A. Cherberg, Chairman; Senators Rasmussen, Vice Chairman; Bauer, Bender, Benitz, Bottiger, Conner, Fleming, Garrett, Hayner, Newhouse, Sellar, Vognild, von Reichbauer, Zimmerman.

Referred to Committee on Ways and Means.

January 29, 1987

SB 5322 Prime Sponsor, Senator Kreidler: Providing for management of natural resources conservation areas. Reported by Committee on Rules

MAJORITY recommendation: Refer to Committee on Ways and Means. Signed by John A. Cherberg, Chairman; Senators Rasmussen, Vice Chairman; Bauer, Bender, Benitz, Bottiger, Conner, Fleming, Garrett, Hayner, Newhouse, Sellar, Vognild, von Reichbauer, Zimmerman.

Referred to Committee on Ways and Means.

January 29, 1987

SB 5406 Prime Sponsor, Senator Bluechel: Changing provisions relating to wastewater treatment facilities. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 5406 be substituted therefor, and the substitute bill do pass. Signed by Senators Kreidler, Chairman; Rinehart, Vice Chairman; Bluechel, Hansen.

Passed to Committee on Rules for second reading.

January 29, 1987

SB 5429 Prime Sponsor, Senator Rinehart: Establishing the Washington community college instructional improvement program. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Craswell, Saling, Warnke.

Passed to Committee on Rules for second reading.

January 27, 1987

SJM 8002 Prime Sponsor, Senator Williams: Urging adoption of the National Appliance Energy Conservation Act. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Joint Memorial 8002 be substituted therefor, and the substitute joint memorial do pass. Signed by Senators Williams, Chairman; Owen, Vice Chairman; Benitz, Cantu, Nelson, Smitherman, Stratton.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

January 20, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Maureen E. Sandison, appointed January 20, 1987, for a term ending January 19, 1991, as a member of the State Board of Pharmacy.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Human Services and Corrections.

January 13, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Roy M. Kalich, appointed January 13, 1987, for a term ending August 2, 1988, as a member of the Lottery Commission.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

January 23, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Kaye Adkins, appointed February 5, 1987, for a term ending April 15, 1989, as a member of the Indeterminate Sentencing Review Board.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Human Services and Corrections.

January 23, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Rodolfo Cruz, appointed January 23, 1987, for a term ending September 30, 1991, as a member of the Board of Trustees, Columbia Basin Community College District No. 19.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Education.

#### INTRODUCTION AND FIRST READING

SB 5445 by Senators West, Saling, Tanner, Wojahn, Deccio, Hayner, Zimmerman, Moore, Rasmussen, McCaslin and Patterson

AN ACT Relating to higher education; amending RCW 28B.10.016, 28B.10.020, 28B.10.140, 28B.15.005, 28B.19.020, 28B.25.020, 28B.25.030, 28B.25.050, 28B.30.010, 28B.35.010, 28B.35.200, 28B.35.205, 28B.80.310, 42.17.2401, and 43.79.314; reenacting and amending RCW 28B.16.020; repealing RCW 28B.25.060; and creating new sections.

Referred to Committee on Education.

SB 5446 by Senators Halsan, Metcalf, Bottiger and Vognild

AN ACT Relating to insurance; and adding a new section to chapter 48.18 RCW.

Referred to Committee on Financial Institutions.

SB 5447 by Senators Halsan, Metcalf, Bottiger and Vognild

AN ACT Relating to insurance policy cancellation; and amending RCW 48.18.290.

Referred to Committee on Financial Institutions.

SB 5448 by Senators Talmadge and Rasmussen

AN ACT Relating to juvenile offenders; and amending RCW 13.40.070 and 13.40.080.

Referred to Committee on Judiciary.

SB 5449 by Senators Talmadge and Rasmussen

AN ACT Relating to the definition of "substantial bodily harm"; and amending RCW 9A.04.110 and 9A.42.010.

Referred to Committee on Judiciary.

SB 5450 by Senators Talmadge, Newhouse, Halsan and Nelson

AN ACT Relating to judgments; amending RCW 4.56.090, 4.56.100, and 4.56.200; and creating a new section.

Referred to Committee on Judiciary.

SB 5451 by Senators Hansen, Patterson and Garrett

AN ACT Relating to passenger charter carriers; amending RCW 81.70.020; adding new sections to chapter 81.70 RCW; and repealing RCW 81.70.040, 81.70.050, 81.70.060, 81.70.070, 81.70.080, 81.70.090, 81.70.095, 81.70.100, 81.70.110, 81.70.120, 81.70.130, 81.70.140, 81.70.150, 81.70.160, 81.70.170, 81.70.180, 81.70.190, 81.70.200, 81.70.210, 81.70.900, and 81.70.910.

Referred to Committee on Transportation.

SB 5452 by Senators Wojahn, Kiskaddon, Deccio, Johnson, Stratton and Tanner (by request of Department of Social and Health Services)

AN ACT Relating to prenatal care; amending RCW 74.09.510; and adding a new chapter to Title 74 RCW.

Referred to Committee on Human Services and Corrections.

SB 5453 by Senators Tanner, Kreidler, Kiskaddon, Stratton, Anderson, Johnson and Moore (by request of Department of Social and Health Services)

AN ACT Relating to long-term care services; amending section 2, chapter 158, Laws of 1984 (uncodified); amending section 3, chapter 158, Laws of 1984 (uncodified); amending section 4, chapter 158, Laws of 1984 (uncodified); amending section 5, chapter 158,

Laws of 1984 (uncodified); amending section 7, chapter 158, Laws of 1984 (uncodified); creating new chapters in Title 74 RCW; and declaring an emergency.

Referred to Committee on Human Services and Corrections.

**SB 5454** by Senators Talmadge, Nelson and Bluechel

AN ACT Relating to the financing of pollution control facilities, systems, and activities; amending RCW 43.88.160, 43.99F.020, 43.99F.040, 43.99F.050, 70.146.020, 70.146.030, and 70.146.060; adding a new section to chapter 35.22 RCW; adding a new section to chapter 36.32 RCW; and declaring an emergency.

Referred to Committee on Parks and Ecology.

**SB 5455** by Senators Tanner, Wojahn, Newhouse and Rasmussen (by request of Attorney General)

AN ACT Relating to odometer tampering; amending RCW 46.12.030, 46.12.050, 46.12.101, 46.12.120, 46.12.125, 46.37.010, 46.63.020, 46.70.070, 46.70.180, and 46.90.300; adding new sections to chapter 46.12 RCW; adding new sections to chapter 46.37 RCW; adding a new section to chapter 46.70 RCW; repealing RCW 46.37.590; prescribing penalties; providing an effective date; and making an appropriation.

Referred to Committee on Transportation.

**SB 5456** by Senators Peterson, Bailey, Vognild, Johnson, Bender, Craswell and Hansen (by request of Governor Gardner)

AN ACT Relating to transportation; amending section 2, chapter 460, Laws of 1985 (uncodified); amending section 9, chapter 460, Laws of 1985 as amended by section 3, chapter 313, Laws of 1986 (uncodified); amending section 17, chapter 460, Laws of 1985 as amended by section 8, chapter 313, Laws of 1986 (uncodified); adding a new section to chapter 460, Laws of 1985; making appropriations; and declaring an emergency.

Referred to Committee on Transportation.

**SB 5457** by Senators Bailey, Hansen, Barr, Gaspard, Anderson and Stratton

AN ACT Relating to the conservation commission; and amending RCW 89.08.030.

Referred to Committee on Natural Resources.

**SB 5458** by Senators Tanner, Conner, DeJarnatt, Rasmussen and Newhouse

AN ACT Relating to short line railroads; adding new sections to chapter 81.36 RCW; and creating a new section.

Referred to Committee on Transportation.

**SB 5459** by Senators Fleming and McDermott

AN ACT Relating to nondiscrimination under state contracts; adding a new chapter to Title 39 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Governmental Operations.

**SB 5460** by Senators Fleming and Vognild

AN ACT Relating to the state crime laboratory; creating a new section; and providing an expiration date.

Referred to Committee on Judiciary.

**SB 5461** by Senators Fleming, Talmadge and Wojahn

AN ACT Relating to higher educational opportunities; adding a new chapter to Title 28B RCW; adding a new section to chapter 28B.15 RCW; making an appropriation; providing an expiration date; and declaring an emergency.

Referred to Committee on Education.

**SB 5462** by Senator Fleming

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

Referred to Committee on Education.

**SB 5463** by Senators Fleming, von Reichbauer, Hansen, Gaspard, Smitherman, Rinehart, McDermott, Bauer, Vognild, Rasmussen and Moore

AN ACT Relating to educational opportunities; adding a new chapter to Title 28A RCW; and making an appropriation.

Referred to Committee on Education.

SB 5464 by Senators Halsan and Nelson

AN ACT Relating to courts of limited jurisdiction; amending RCW 19.16.500 and 3.62.020; adding a new section to chapter 3.02 RCW; and creating new sections.

Referred to Committee on Judiciary.

SB 5465 by Senators Tanner, Zimmerman, Warnke, Rasmussen, Bauer, Conner, Johnson, DeJarnatt, Owen and Bailey (by request of Secretary of State)

AN ACT Relating to the presidential nominating process; creating a presidential preference primary for major political parties; amending RCW 29.13.010, 29.13.020, and 29.42.010; and adding a new chapter to Title 29 RCW.

Referred to Committee on Governmental Operations.

SB 5466 by Senators Moore, Bender and Metcalf (by request of Insurance Commissioner)

AN ACT Relating to fees assessed against health maintenance organizations; and amending RCW 48.46.120.

Referred to Committee on Financial Institutions.

SB 5467 by Senators Kreidler, McCaslin, Deccio and Fleming (by request of Corrections Standards Board)

AN ACT Relating to the corrections standards board; and amending RCW 72.09.160, 72.09.150, 72.09.170, and 72.09.180.

Referred to Committee on Human Services and Corrections.

SB 5468 by Senator Gaspard (by request of Governor Gardner)

AN ACT Relating to reorganization of educational systems and services; amending RCW 28C.04.410, 28C.04.420, 28C.04.430, 28C.04.440, 28C.04.460, 28C.04.470, 28C.04.530, 28C.04.535, 28C.04.540, 28C.04.550, 28C.10.020, 18.106.070, 19.28.510, 19.28.530, 28A.58.824, 28A.58.826, 28A.58.828, 28A.58.830, 28B.04.020, 28B.04.030, 28B.04.040, 28B.04.050, 28B.04.060, 28B.04.070, 28B.04.080, 28B.04.110, 28B.10.215, 28B.10.220, 28B.10.792, 28B.10.802, 28B.10.806, 28B.12.030, 28B.12.040, 28B.12.050, 28B.12.060, 28B.12.070, 28B.15.760, 28B.15.762, 28B.15.764, 28B.80.320, 28B.80.330, 28B.80.350, 28B.80.360, 28B.80.430, 28B.85.010, 28B.85.020, 28B.85.030, 28B.85.040, 28B.85.050, 28B.85.060, 28B.85.070, 28B.85.080, 28B.85.090, 28B.85.100, 28B.85.130, 28B.85.170, 43.03.028, 50.38.030, 51.08.012, 70.100.040, and 43.131.288; adding new sections to chapter 28C.04 RCW; creating new sections; repealing RCW 28B.80.240; providing an effective date; and declaring an emergency.

Referred to Committee on Education.

SB 5469 by Senators Talmadge, Nelson and Halsan (by request of Office of the Code Reviser and Department of Trade and Economic Development)

AN ACT Relating to obsolete statutory references; amending RCW 27.60.040, 27.60.045, 28B.30.537, 43.31.800, 43.31.810, 43.31.820, 43.31.830, 43.31.833, 43.31.850, 43.31.960, 43.160.115, 43.165.030, 43.165.080, 43.240.030, and 76.56.020; reenacting and amending RCW 43.160.030; and decodifying RCW 43.63A.090, 43.96B.010, 43.96B.020, 43.96B.030, 43.96B.060, 43.96B.070, 43.96B.080, 43.96B.090, 43.96B.100, 43.96B.110, 43.96B.120, 43.96B.130, 43.96B.140, 43.96B.150, 43.96C.010, 43.96C.020, 43.96C.030, 43.96C.040, 43.96C.050, and 43.96C.060.

Referred to Committee on Commerce and Labor.

SB 5470 by Senators Halsan and Talmadge

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

Referred to Committee on Judiciary.

SB 5471 by Senators Wojahn, Tanner, Kiskaddon, Stratton, Zimmerman, Lee, Kreidler, Smitherman, Owen, Moore, DeJarnatt, Conner, Vogtild.

Garrett, Gaspard, McDonald, Johnson and Bailey (by request of Governor Gardner)

AN ACT Relating to the family independence program; amending RCW 43.19.1901; adding a new chapter to Title 74 RCW; and providing an expiration date.

Referred to Committee on Human Services and Corrections.

SB 5472 by Senators Kreidler, Bluechel, Zimmerman, Warnke, Moore, Garrett, Kiskaddon, Williams, Talmadge and Rinehart (by request of Governor Gardner)

AN ACT Relating to an interstate compact establishing the Columbia River Gorge Commission; amending RCW 43.97A.010; adding new sections to chapter 43.97 RCW; and repealing RCW 43.97.005, 43.97.010, 43.97.020, 43.97.030, 43.97.040, 43.97.060, 43.97.070, 43.97.080, 43.97.090, and 43.97.900.

Referred to Committee on Natural Resources.

SB 5473 by Senators Kreidler, Talmadge, Fleming, Lee, Williams, Vognild and Bailey (by request of Governor Gardner)

AN ACT Relating to water pollution control; amending RCW 90.48.460 and 90.48.190; and creating a new section.

Referred to Committee on Parks and Ecology.

SB 5474 by Senators Tanner, Patterson, Gaspard, Rinehart, Bailey, Bauer, Williams, Bender, Moore, Fleming, Talmadge, McDermott, Saling and McDonald (by request of Governor Gardner)

AN ACT Relating to the distinguished professorship program; adding new sections to chapter 28B.10 RCW; creating a new section; and repealing RCW 28B.10.860, 28B.10.861, 28B.10.862, 28B.10.863, 28B.10.864, and 28B.10.865.

Referred to Committee on Education.

SB 5475 by Senators Gaspard, West, Tanner, Rinehart, Bauer, Williams, Bender, Moore, Talmadge and Saling (by request of Governor Gardner)

AN ACT Relating to the Washington fund for excellence in higher education program; and adding a new chapter to Title 28B RCW.

Referred to Committee on Education.

SB 5476 by Senators Bauer, Kiskaddon, Gaspard, Tanner, Bender, Johnson, Williams, Fleming, Wojahn, Vognild, Moore, Talmadge, Garrett and DeJarnatt (by request of Governor Gardner)

AN ACT Relating to education; amending RCW 28A.34A.090 and 82.12.0284; adding new sections to chapter 28A.03 RCW; adding new sections to chapter 28A.58 RCW; adding new sections to Title 28A RCW; adding a new section to chapter 28B.16 RCW; adding a new section to chapter 41.04 RCW; adding a new section to chapter 41.06 RCW; adding a new section to chapter 41.08 RCW; adding a new section to chapter 41.12 RCW; adding a new section to chapter 41.14 RCW; creating new sections; and repealing RCW 28A.34A.902 and 28A.03.380.

Referred to Committee on Education.

SB 5477 by Senators Gaspard and Wojahn (by request of Governor Gardner)

AN ACT Relating to education; amending RCW 84.52.0531, 28A.41.130, 28A.41.140, and 41.59.935; adding new sections to chapter 28A.41 RCW; adding a new section to chapter 28A.58 RCW; creating a new section; repealing RCW 28A.58.093, 28A.58.095, and 41.56.960; and providing an effective date.

Referred to Committee on Education.

SB 5478 by Senators Rinehart, Gaspard, Bender, Bauer, Moore, Fleming, Williams, Talmadge, DeJarnatt and McDermott (by request of Governor Gardner and Superintendent of Public Instruction)

AN ACT Relating to school-based day care; and adding a new section to chapter 28A.34 RCW.

Referred to Committee on Education.

SB 5479 by Senators Gaspard, Bauer, Bender, Williams, Talmadge, DeJarnatt, Wojahn and Smitherman (by request of Governor Gardner)

AN ACT Relating to improving the educational system; amending RCW 28A.04.127 and 28A.71.210; adding new chapters to Title 28A RCW; and creating new sections.

Referred to Committee on Education.

SB 5480 by Senators Patterson, Metcalf, Barr and Bailey

AN ACT Relating to employment contracts in second class school districts; and amending RCW 42.23.030.

Referred to Committee on Education.

SB 5481 by Senators Patterson and Vognild

AN ACT Relating to speed limits; and amending RCW 46.61.405.

Referred to Committee on Transportation.

SB 5482 by Senators Patterson and Rinehart

AN ACT Relating to the adjustment of state appropriations for needy student financial aid; and amending RCW 28B.15.065.

Referred to Committee on Education.

SB 5483 by Senators Patterson and Metcalf

AN ACT Relating to higher education retirement benefits; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Ways and Means.

#### MOTION

At 12:05 p.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Monday, February 2, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

**TWENTY-SECOND DAY**

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MORNING SESSION

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Senate Chamber, Olympia, Monday, February 2, 1987

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Fleming, Kiskaddon, Moore, Peterson, Sellar, Talmadge, Tanner and Williams. On motion of Senator Bender, Senators Fleming, Peterson and Tanner were excused.

The Sergeant at Arms Color Guard, consisting of Pages Jacqie Jacques and Jason McGibbon, presented the Colors. Reverend David Steen, pastor of the Lutheran Church of the Good Shepherd of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 29, 1987

SB 5045 Prime Sponsor, Senator Talmadge: Revising vote canvass and recount procedures. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5045 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Bottiger, McCaslin, Moore, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

January 29, 1987

SB 5058 Prime Sponsor, Senator Halsan: Revising agency failure to adopt rules. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5058 be substituted therefor, and the substitute bill do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

January 29, 1987

SB 5149 Prime Sponsor, Senator Conner: Authorizing the court of appeals to hold sessions in certain additional cities. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Bottiger, McCaslin, Moore, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

January 29, 1987

SB 5191 Prime Sponsor, Senator Kreidler: Redesignating the commission on Mexican-American affairs. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5191 be substituted therefor, and the substitute bill do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; McCaslin, Talmadge.

Passed to Committee on Rules for second reading.

January 29, 1987

SB 5228 Prime Sponsor, Senator Stratton: Requiring reports of abuse of developmentally disabled persons. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5228 be substituted therefor, and the substitute bill do pass. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Deccio, Kiskaddon, Kreidler, Tanner.

Passed to Committee on Rules for second reading.

January 29, 1987

SB 5230 Prime Sponsor, Senator Stratton: Modifying provisions governing water recreation. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5230 be substituted therefor, and the substitute bill do pass. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Deccio, Kiskaddon, Kreidler, Tanner.

Passed to Committee on Rules for second reading.

January 29, 1987

SB 5312 Prime Sponsor, Senator Talmadge: Providing for collective bargaining for the Washington state patrol. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5312 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Lee, Tanner, Vognild, West, Williams, Wojahn.

Passed to Committee on Rules for second reading.

INTRODUCTION AND FIRST READING

SB 5484 by Senators Vognild, McDermott, Smitherman and Bottiger

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

Referred to Committee on Commerce and Labor.

SB 5485 by Senator Talmadge

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

Referred to Committee on Commerce and Labor.

SB 5486 by Senators Warnke, Rinehart, Williams, Talmadge, Bender, Vognild, Wojahn and McDermott

AN ACT Relating to occupational safeguards for operators of video display terminals; adding a new chapter to Title 49 RCW; creating a new section; and providing penalties.

Referred to Committee on Commerce and Labor.

SB 5487 by Senators Warnke, Cantu, Vognild, Rasmussen and Johnson (by request of Liquor Control Board)

AN ACT Relating to minors frequenting taverns and licensed premises; and amending RCW 66.44.310.

Referred to Committee on Commerce and Labor.

SB 5488 by Senators Hansen and Sellar

AN ACT Relating to special pilots license; amending RCW 88.16.070; adding a new section to chapter 88.16 RCW; and declaring an emergency.

Referred to Committee on Transportation.

SB 5489 by Senators Wojahn, Deccio, DeJarnatt, Conner, Zimmerman, Kreidler, McDermott, Fleming, Bauer, Johnson and Moore (by request of Department of Social and Health Services)

AN ACT Relating to quality of care provided to nursing home residents; amending RCW 18.51.060, 18.51.220, 18.51.260, 74.42.055, 74.42.580, 74.42.600, 18.51.091, and 74.46.460; adding new sections to chapter 18.51 RCW; and prescribing penalties.

Referred to Committee on Human Services and Corrections.

**SB 5490** by Senators Halsan, Nelson and Bottiger

AN ACT Relating to judgments; amending RCW 4.56.110; adding a new section to chapter 2.08 RCW; adding a new section to chapter 3.30 RCW; adding a new section to chapter 4.56 RCW; creating a new section; and repealing RCW 4.84.250, 4.84.260, 4.84.270, 4.84.280, 4.84.290, and 4.84.300.

Referred to Committee on Judiciary.

**SB 5491** by Senators Bottiger and Tanner

AN ACT Relating to judgments and employer immunity; and amending RCW 4.22.070, 51.24.020, and 51.24.060.

Referred to Committee on Judiciary.

**SB 5492** by Senators Bailey and Rasmussen

AN ACT Relating to open public meetings; and adding a new section to chapter 42.30 RCW.

Referred to Committee on Governmental Operations.

**SB 5493** by Senators Smitherman, Rasmussen and Patterson

AN ACT Relating to sales and use tax exemptions for motor vehicle and special fuels; reenacting and amending RCW 82.08.0255 and 82.12.0256; and declaring an emergency.

Referred to Committee on Ways and Means.

**SB 5494** by Senators Sellar, Halsan, Newhouse, Hansen, Barr and Lee

AN ACT Relating to criminal trespass to property; amending RCW 9A.52.010, 9A.52.070, 9A.52.090, 9A.46.060, and 10.99.020; adding a new section to chapter 9A.52 RCW; repealing RCW 9A.52.080; and prescribing penalties.

Referred to Committee on Judiciary.

**SB 5495** by Senators Stratton, McDonald, DeJarnatt, Patterson, West, Saling and Barr

AN ACT Relating to food fish and shellfish; amending RCW 75.25.100, 75.25.110, 75.25.120, 75.25.130, 75.25.140, and 75.25.160; adding new sections to chapter 75.25 RCW; and providing an effective date.

Referred to Committee on Natural Resources.

**SB 5496** by Senators Vognild, Newhouse, Stratton, Deccio, Barr and Johnson

AN ACT Relating to certificates of need for hospitals; and amending RCW 70.38.111.

Referred to Committee on Human Services and Corrections.

**SB 5497** by Senators Peterson, Saling, Stratton, Patterson, Lee, Garrett, Anderson and Johnson

AN ACT Relating to higher education compensation; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Ways and Means.

**SB 5498** by Senators Vognild, Warnke, Lee and Nelson

AN ACT Relating to use tax exemptions for motorcycles, boats, and airplanes; and amending RCW 82.12.0251.

Referred to Committee on Transportation.

**SB 5499** by Senator Wojahn

AN ACT Relating to institutional purchasing; and amending RCW 43.19.190 and 43.19.1906.

Referred to Committee on Human Services and Corrections.

**SB 5500** by Senators Talmadge, Hayner, Lee and Rasmussen

AN ACT Relating to the fixing of fair value for homestead property for foreclosure; and amending RCW 61.12.060.

Referred to Committee on Judiciary.

SB 5501 by Senators Vognild, Metcalf, Nelson, Rasmussen and Talmadge

AN ACT Relating to aquatic land dredged material disposal sites; adding new sections to chapter 79.90 RCW; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Natural Resources.

SB 5502 by Senators Rinehart, Warnke, Halsan, Lee, Wojahn, Talmadge, Tanner, Bottiger, Bailey, Smitherman, Vognild, Williams, Garrett, Stratton and Moore

AN ACT Relating to new motor vehicle warranties; amending RCW 19.118.050 and 19.118.060; adding new sections to chapter 19.118 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Commerce and Labor.

SB 5503 by Senators Hansen, Benitz, Stratton, Deccio, Hayner, Patterson, Saling, Barr, West, Brauer, Newhouse, Anderson, Bluechel, Bailey, McDonald and McCaslin

AN ACT Relating to the Washington wine commission; amending RCW 66.08.180; adding a new chapter to Title 15 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture.

SB 5504 by Senators Vognild, Warnke, Zimmerman, Halsan, Talmadge, Newhouse, Bender and Rasmussen

AN ACT Relating to private detective agencies, their principals, and private detective operatives; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Commerce and Labor.

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

## SECOND READING

SENATE BILL NO. 5105, by Senators Warnke, Lee, Smitherman, Garrett, Newhouse, Anderson, Wojahn and Moore

Providing for the licensing of the manufacture and sale of poisons.

The bill was read the second time.

## MOTIONS

On motion of Senator Warnke, the following Committee on Commerce and Labor amendment was adopted:

On page 2, line 2, after "least" strike "five" and insert "two"

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

On page 2, line 8, after "pharmacy" insert ", after consulting with the department of licensing."

## MOTION

On motion of Senator Warnke, the rules were suspended, Engrossed Senate Bill No. 5105 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5105.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5105 and the bill passed the Senate by the following vote: Yeas, 44; absent, 2; excused, 3.

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

Absent: Senators Talmadge, Williams - 2.

Excused: Senators Fleming, Peterson, Tanner - 3.

ENGROSSED SENATE BILL NO. 5105, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### STATEMENT FOR THE JOURNAL

February 2, 1987

Re: ESB 5105

Due to an unavoidable court date, I was unable to be present for the vote on ESB 5105. My vote on the bill would have been 'aye.'

SENATOR PHIL TALMADGE,  
Thirty-fourth District

#### SECOND READING

SENATE BILL NO. 5169, by Senators Hansen, Barr, Gaspard, Bauer, Anderson, Bailey, Warnke, Patterson and von Reichbauer

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

The bill was read the second time.

#### MOTION

On motion of Senator Hansen, the rules were suspended, Senate Bill No. 5169 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Smitherman: "Thank you Mr. President and members of the body, I just wonder—I agree with this measure one-hundred percent, but it says there was going to be a fiscal note and I was wondering if someone could explain to me what that fiscal note was on this particular measure?"

#### REMARKS BY SENATOR HANSEN

Senator Hansen: "Yes, Senator Smitherman. The fiscal note is \$2,000 a year, \$12,000 over a six-year period."

#### MOTION

On motion of Senator Bender, Senator Talmadge was excused.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5169.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5169 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

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

Excused: Senators Fleming, Peterson, Talmadge, Tanner - 4.

SENATE BILL NO. 5169, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 10:24 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 11:39 a.m. by President Cherberg.

## SECOND READING

SENATE BILL NO. 5148, by Senators Halsan, Zimmerman, Rasmussen, Newhouse, Garrett, Pullen, Conner, Bauer, McCaslin, DeJarnatt, McDonald, Bluechel, Kreidler, Nelson, Tanner, Stratton, Wojahn, Barr, Lee, Gaspard, von Reichbauer, Moore, Cantu and Deccio (by request of Department of Services for the Blind)

Continuing the department of services for the blind.

The bill was read the second time.

## MOTION

On motion of Senator Halsan, the rules were suspended, Senate Bill No. 5148 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5148.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5148 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator Peterson - 1.

SENATE BILL NO. 5148, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5183, by Senators Hansen, Barr, Gaspard, Bauer, Anderson and Bailey

Modifying the taxation of seed conditioning for use in planting.

The bill was read the second time.

## MOTION

On motion of Senator Hansen, the rules were suspended, Senate Bill No. 5183 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5183.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5183 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator Peterson - 1.

SENATE BILL NO. 5183, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5205, by Senators Newhouse, Talmadge, Benitz and Deccio  
Revising provisions relating to judges pro tempore.

The bill was read the second time.

#### MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 5205 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Halsan: "Senator Talmadge, the wording of this bill refers to a judge who has retired, but it really doesn't define what that term means. Is it the intent of this legislation to allow a judge who has been voted out of office by an election to continue to hear cases?"

Senator Talmadge: "My understanding, Senator, is no. The understanding was that it was a voluntarily retired judge, not one who has been involuntarily retired by the voters."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5205.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5205 and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

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

Voting nay: Senators Pullen, Rasmussen - 2.

Excused: Senator Peterson - 1.

SENATE BILL NO. 5205, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4406, by Representatives McMullen and Ballard

Arranging a memorial service for former legislators.

The resolution was read the second time.

#### MOTION

On motion of Senator Vognild, the rules were suspended, House Concurrent Resolution No. 4406 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

#### APPOINTMENT OF SPECIAL COMMITTEE

Pursuant to the provisions of House Concurrent Resolution No. 4406, the President appointed Senators Stratton, McDonald, Tanner and Zimmerman to join with a like committee from the House of Representatives to plan for the joint memorial services scheduled for February 23, 1987.

#### MOTION

On motion of Senator Vognild, the appointments were confirmed.

MOTION

At 12:07 p.m., on motion of Senator Vognild, the Senate adjourned until 12:00 noon, Tuesday, February 3, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## TWENTY-THIRD DAY

### NOON SESSION

Senate Chamber, Olympia, Tuesday, February 3, 1987

The Senate was called to order at 12:00 noon by President Cherberg. No roll call was taken.

The Sergeant at Arms Color Guard, consisting of Pages Kevin Mackie and Jeremy Morrison, presented the Colors. Reverend David Steen, pastor of the Lutheran Church of the Good Shepherd of Olympia, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

February 2, 1987

SB 5179 Prime Sponsor, Senator Rinehart: Increasing the authority of certain agencies to use local private printing companies. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5179 be substituted therefor, and the substitute bill do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

February 2, 1987

SB 5180 Prime Sponsor, Senator Rinehart: Raising the maximum dollar amount that may be spent for state purchases without competitive bidding. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5180 be substituted therefor, and the substitute bill do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

January 28, 1987

SB 5241 Prime Sponsor, Senator McDermott: Providing for the taxation of tangible personal property which is provided with an operator for a charge. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Kreidler, Moore, Owen, Rasmussen, Rinehart, Talmadge, Vognild, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 2, 1987

SB 5282 Prime Sponsor, Senator Tanner: Changing procedures for suspension of workers' compensation for refusal to comply with medical examination or treatment. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Lee, Sellar, Tanner, Vognild, West, Williams.

Passed to Committee on Rules for second reading.

February 2, 1987

SB 5342 Prime Sponsor, Senator Owen: Requiring active use of a salmon charter boat license and providing fees for angler permits. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; DeJarnatt, Vice Chairman; Barr, Conner, McDonald, Stratton.

Passed to Committee on Rules for second reading.

February 2, 1987

SB 5343 Prime Sponsor, Senator Halsan: Eliminating department discretion in authorizing release of relevant medical information concerning industrial insurance claimants. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Lee, Sellar, Tanner, Vognild, West, Williams, Wojahn.

Passed to Committee on Rules for second reading.

January 29, 1987

SB 5371 Prime Sponsor, Senator Fleming: Authorizing actions to remove discriminatory covenants from property deeds. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5371 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Bottiger, McCaslin, Moore, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENT

February 2, 1987

GA 9028 DONALD M. FORD, reappointed April 8, 1986, for a term ending April 16, 1990, as a member of the Oil and Gas Conservation Committee. Reported by Committee on Natural Resources

MAJORITY recommendation: That said appointment be confirmed Signed by Senators Owen, Chairman; DeJarnatt, Vice Chairman; Barr, Conner, Craswell, McDonald, Metcalf, Patterson, Stratton

Passed to Committee on Rules.

MESSAGE FROM THE HOUSE

February 2, 1987

Mr. President:

The House has passed:

HOUSE BILL NO. 31,

HOUSE BILL NO. 51,

HOUSE BILL NO. 68,

HOUSE BILL NO. 75,

HOUSE BILL NO. 151,

SUBSTITUTE HOUSE BILL NO. 152,

SUBSTITUTE HOUSE BILL NO. 153,

SUBSTITUTE HOUSE BILL NO. 237, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 5505 by Senators Talmadge and Rasmussen

AN ACT Relating to election campaign financing; amending RCW 42.17.010; adding new sections to chapter 42.17 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Governmental Operations.

SB 5506 by Senators Halsan, Nelson and Talmadge

AN ACT Relating to administrative law; amending RCW 2.06.030, 2.64.090, 7.68.110, 9.46.095, 9.46.140, 15.13.350, 15.14.080, 15.24.170, 15.28.300, 15.30.090, 15.32.584, 15.35.240, 15.36.115, 15.36.595, 15.37.080, 15.44.070, 15.53.9036, 15.80.590, 16.49.454, 16.58.070, 16.65.445, 16.74.370, 17.10.220, 17.21.050, 18.08.450, 18.43.110, 18.52.150, 18.52.155, 18.85.271, 18.85.343, 18.130.060, 18.130.100, 18.130.110, 19.85.030, 19.85.040, 19.85.050, 23A.44.010,

24.34.020, 28B.10.822, 28B.12.060, 28B.15.013, 28B.50.864, 28B.50.873, 28B.52.100, 28B.85.090, 28C.10.120, 33.44.020, 34.08.020, 34.08.040, 34.08.050, 34.12.020, 34.12.060, 35.68.076, 39.19.030, 40.07.020, 41.40.414, 42.17.395, 42.17.397, 42.21.020, 42.30.140, 42.36.010, 43.20A.605, 43.21B.160, 43.21B.180, 43.21C.110, 43.21C.120, 43.27A.200, 43.27A.210, 43.60A.070, 43.126.055, 43.131.080, 43.131.090, 46.20.331, 46.76.065, 48.03.070, 48.17.540, 48.62.050, 49.17.140, 49.60.250, 49.60.260, 50.32.040, 50.32.090, 50.32.120, 50.32.140, 51.48.131, 51.48.140, 66.08.150, 66.24.010, 67.70.060, 68.46.200, 70.48.080, 70.90.210, 70.94.333, 70.98.050, 70.98.130, 70.150.040, 72.33.161, 72.33.670, 74.18.120, 74.20A.055, 72.66.044, 74.20A.270, 75.20.130, 75.20.140, 76.04.630, 76.09.080, 76.09.220, 76.09.230, 76.40.135, 77.04.090, 78.44.170, 78.52.463, 78.52.470, 78.52.490, 79.64.010, 79.90.105, 79.94.210, 80.50.075, 80.50.090, 80.50.100, 82.03.160, 82.03.180, 82.34.040, 84.26.130, 84.33.200, 90.14.200, 90.48.095, 90.48.135, 90.48.230, 90.54.050, 90.58.180, and 90.58.190; reenacting and amending RCW 28B.65.050; reenacting RCW 70.94.222; repealing RCW 34.12.120 and 43.21B.200; and providing an effective date.

Referred to Committee on Judiciary.

**SB 5507** by Senator Bender

AN ACT Relating to unfair and deceptive insurance practices; and adding new sections to chapter 48.30 RCW.

Referred to Committee on Financial Institutions.

**SB 5508** by Senators Kreedler, Johnson, Rinehart, Bauer, Hansen, Warnke, Patterson, Wojahn, Benitz, Saling, Lee, Moore and Garrett

AN ACT Relating to teachers' retirement allowances; amending RCW 41.32.485 and 41.32.499; and providing an effective date.

Referred to Committee on Ways and Means.

**SB 5509** by Senators Rasmussen, Rinehart, Bauer, Hansen, Warnke, Wojahn, Saling, Talmadge, Moore and Garrett

AN ACT Relating to teachers' service retirement allowance adjustments; and amending RCW 41.32.499.

Referred to Committee on Ways and Means.

**SB 5510** by Senators Warnke, McCaslin and Smitherman (by request of Department of Licensing)

AN ACT Relating to real estate licenses; amending RCW 18.85.010, 18.85.040, 18.85.095, 18.85.120, 18.85.140, 18.85.190, 18.85.200, 18.85.220, 18.85.230, 18.85.240, 18.85.251, 18.85.261, 18.85.271, 18.85.320, 18.85.450, and 18.85.460; and repealing RCW 18.85.161 and 18.85.163.

Referred to Committee on Commerce and Labor.

**SB 5511** by Senators Gaspard and Johnson (by request of Department of Retirement Systems)

AN ACT Relating to the divided payment of public retirement benefits; amending RCW 2.10.180, 2.12.090, 41.04.310, 41.04.320, 41.04.330, 41.26.180, 41.32.590, 41.40.380, and 43.43.310; adding new sections to chapter 41.50 RCW; adding a new section to chapter 26.09 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

**SB 5512** by Senators Gaspard and Johnson (by request of Department of Retirement Systems)

AN ACT Relating to the accrual of service credit under the public employees' retirement system; amending RCW 41.40.150; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

**SB 5513** by Senators Gaspard and Johnson (by request of Department of Retirement Systems)

AN ACT Relating to withdrawal, restoration, and interest on state patrol retirement contributions; amending RCW 43.43.130 and 43.43.280; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

**SB 5514** by Senators Talmadge, von Reichbauer, Nelson and Bender

AN ACT Relating to water and sewer districts; and amending RCW 56.08.070 and 57.08.050.

Referred to Committee on Governmental Operations.

SB 5515 by Senators Warnke, Cantu and Moore (by request of Department of Licensing)

AN ACT Relating to vessel dealer registration; amending RCW 88.02.060 and 88.02.110; adding new sections to chapter 88.02 RCW; making an appropriation; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SB 5516 by Senators Sellar and Vognild

AN ACT Relating to motor vehicles; amending RCW 46.63.020; adding a new chapter to Title 46 RCW; and prescribing penalties.

Referred to Committee on Transportation.

SB 5517 by Senators Stratton, Benitz, Owen, Bottiger, Smitherman and Nelson

AN ACT Relating to the dates for submission of the recommendations required under RCW 19.27A.040(4) and for expiration of state supersession of local residential energy codes; and amending RCW 19.27A.030 and 19.27A.040.

Referred to Committee on Energy and Utilities.

SB 5518 by Senator Bender

AN ACT Relating to certification of physical therapist assistants; amending RCW 18.74.010, 18.74.023, 18.74.029, 18.74.060, 18.74.070, and 18.74.090; and adding new sections to chapter 18.74 RCW.

Referred to Committee on Human Services and Corrections.

SB 5519 by Senators Halsan and McCaslin

AN ACT Relating to vesting of rights; adding a new section to chapter 19.27 RCW; and adding a new section to chapter 58.17 RCW.

Referred to Committee on Governmental Operations.

SB 5520 by Senators Halsan and McCaslin

AN ACT Relating to improvement districts; amending RCW 35.44.020; adding a new section to chapter 35.43 RCW; adding a new section to chapter 36.69 RCW; adding a new section to chapter 36.88 RCW; adding a new section to chapter 36.94 RCW; adding a new section to chapter 52.20 RCW; adding a new section to chapter 53.08 RCW; adding a new section to chapter 54.16 RCW; adding a new section to chapter 56.20 RCW; adding a new section to chapter 57.16 RCW; and adding a new section to chapter 87.03 RCW.

Referred to Committee on Governmental Operations.

SB 5521 by Senators McDermott, McDonald and Kiskaddon

AN ACT Relating to the business and occupation taxation of payments and contributions to nonprofit corporations by public entities; adding a new section to chapter 82.04 RCW; and creating a new section.

Referred to Committee on Ways and Means.

SB 5522 by Senators Halsan, McCaslin and Garrett (by request of Department of General Administration)

AN ACT Relating to public works; and amending RCW 39.04.150.

Referred to Committee on Governmental Operations.

SB 5523 by Senators Halsan, Zimmerman, Garrett and Rasmussen (by request of Department of General Administration)

AN ACT Relating to state government; and amending RCW 43.19.185.

Referred to Committee on Governmental Operations.

SB 5524 by Senators Halsan, Sellar, Garrett and Rasmussen (by request of Department of General Administration)

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

Referred to Committee on Governmental Operations.

SB 5525 by Senator Owen

AN ACT Relating to the Washington public employees' retirement system; and amending RCW 41.40.170.

Referred to Committee on Ways and Means.

SB 5526 by Senators Rasmussen, Bender and Kiskaddon

AN ACT Relating to dentistry; reenacting and amending RCW 18.120.020 and 18.130.040; adding a new chapter to Title 18 RCW; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding new sections to chapter 43.131 RCW; prescribing penalties; making an appropriation; providing an expiration date; and providing an effective date.

Referred to Committee on Human Services and Corrections.

SB 5527 by Senators Vognild, Nelson, Moore and Warnke

AN ACT Relating to taxation of gambling activities; amending RCW 9.46.113; and reenacting and amending RCW 9.46.110.

Referred to Committee on Commerce and Labor.

SB 5528 by Senators Fleming and Smitherman

AN ACT Relating to the governor's small business advisory council; and amending RCW 43.175.010, 43.175.020, and 43.175.900.

Referred to Committee on Commerce and Labor.

SB 5529 by Senator Fleming

AN ACT Relating to certification of minority and women business enterprises; amending RCW 39.19.010, 39.19.020, and 39.19.030; adding new sections to chapter 39.19 RCW; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 5530 by Senator Fleming

AN ACT Relating to small business; amending RCW 43.31.085; adding new sections to chapter 43.31 RCW; and creating a new section.

Referred to Committee on Governmental Operations.

SB 5531 by Senators Rasmussen, Talmadge, Hansen, Halsan, Garrett, Tanner, Bauer, Williams, Bender, Fleming, Vognild, McDermott, Patterson, Smitherman, Warnke, Owen, Newhouse, Nelson, McCaslin, Benitz, Lee, Pullen, West and Barr

AN ACT Relating to homesteads and awards in lieu thereof or in addition thereto; and amending RCW 6.12.050 and 11.52.010.

Referred to Committee on Ways and Means.

SB 5532 by Senators Gaspard and Bauer

AN ACT Relating to sabbaticals for certificated employees; adding a new section to chapter 28A.03 RCW; and making an appropriation.

Referred to Committee on Education.

SB 5533 by Senators DeJarnatt, Bluechel, Owen, Zimmerman, Bottiger, Kiskaddon, Conner, Nelson, Tanner, Moore, Rinehart, Williams and Garrett

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

Referred to Committee on Natural Resources.

SB 5534 by Senators Moore, Talmadge and Wojahn

AN ACT Relating to revenue and taxation; amending RCW 82.03.130, 82.03.140, and 82.03.180; adding a new title to the Revised Code of Washington to be numbered Title 82A RCW; prescribing penalties; and providing for submission of this act to a vote of the people.

Referred to Committee on Ways and Means.

SB 5535 by Senators McCaslin, Hansen, McDonald, Patterson, Deccio, Johnson and Stratton

AN ACT Relating to vehicle speed limits; amending RCW 46.01.250, 46.52.130, and 46.46.020; adding a new section to chapter 46.61 RCW; and prescribing penalties.

Referred to Committee on Transportation.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 31 by Representatives Lux and P. King

Requiring insurers to file their annual statement convention blank.

Referred to Committee on Financial Institutions.

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

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

Referred to Committee on Financial Institutions.

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

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

Referred to Committee on Agriculture.

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

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

Referred to Committee on Agriculture.

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

Consolidating statutes regarding revenue recovery for social and health services.

Referred to Committee on Human Services and Corrections.

SHB 152 by Committee on Human Services (originally sponsored by Representatives Brekke, Winsley, Sutherland, H. Sommers, Leonard, Jacobsen, Moyer, Scott, P. King and Lewis) (by request of Department of Social and Health Services)

Revising the membership and duties of the state advisory committee to the department of social and health services.

Referred to Committee on Human Services and Corrections.

SHB 153 by Committee on Human Services (originally sponsored by Representatives Brekke, Winsley, Sutherland, H. Sommers, Leonard, Jacobsen, Moyer, Scott, Padden, R. King, Patrick, Lewis, Wang, Sanders, Miller and Brough) (by request of Department of Social and Health Services)

Requiring reports of abuse of developmentally disabled persons.

Referred to Committee on Human Services and Corrections.

SHB 237 by Committee on Health Care (originally sponsored by Representatives Cantwell, Brooks, Braddock, Ballard, Scott, P. King, Kremen

and Unsoeld) (by request of Department of Social and Health Services)

Changing provisions relating to emergency medical services.

Referred to Committee on Human Services and Corrections.

MOTION

At 12:06 p.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Wednesday, February 4, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## TWENTY-FOURTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Wednesday, February 4, 1987

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bluechel, Lee, McDermott, Peterson, Rinehart, Tanner and Zimmerman. On motion of Senator Bender, Senators McDermott and Peterson excused. On motion of Senator Metcalf, Senator Zimmerman was excused.

The Sergeant at Arms Color Guard, consisting of Pages Katie Thompson and Brian Paulsen presented the Colors. Reverend David Steen, pastor of the Lutheran Church of the Good Shepherd of Olympia, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

February 3, 1987

SB 5054 Prime Sponsor, Senator Garrett: Revising provisions relating to foreclosure proceedings. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

February 2, 1987

SB 5330 Prime Sponsor, Senator Garrett: Establishing the disability accommodation revolving fund. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5330 be substituted therefor, and be referred to Committee on Ways and Means. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Lee, Sellar, Tanner, Vognild, West, Williams, Wojahn.

Referred to Committee on Ways and Means.

February 2, 1987

SB 5331 Prime Sponsor, Senator Garrett: Requiring the employment security department to develop proposals for the collection of data on the employment of disabled persons. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Lee, Sellar, Tanner, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 3, 1987

SB 5346 Prime Sponsor, Senator Rasmussen: Affording exhibitors a fair opportunity to bid for motion pictures released in this state. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 5346 be substituted therefor, and the substitute bill do pass. Signed by Senators Kreidler, Chairman; Bluechel, Kiskaddon.

Passed to Committee on Rules for second reading.

February 3, 1987

SB 5411 Prime Sponsor, Senator Moore: Regulating fraternal benefit societies. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Fleming, McDermott, Metcalf, Pullen, von Reichbauer.

Passed to Committee on Rules for second reading.

February 2, 1987

SCR 8404 Prime Sponsor, Senator Garrett: Requiring a report to the governor and legislative committees on the progress made in implementing recommendations of the joint select committee on disability employment and economic participation. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Lee, Sellar, Tanner, Williams, Wojahn.

Passed to Committee on Rules for second reading.

## INTRODUCTION AND FIRST READING

SB 5536 by Senators Garrett, Bluechel and Kreidler

AN ACT Relating to the scenic river system; amending RCW 79.72.020; and repealing RCW 79.72.110.

Referred to Committee on Parks and Ecology.

SB 5537 by Senators Bender, Conner, Fleming, Garrett and Moore

AN ACT Relating to licensing; adding a new chapter to Title 18 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Financial Institutions.

SB 5538 by Senators Owen, Warnke, Stratton, von Reichbauer, Lee, Garrett and Moore

AN ACT Relating to the major crimes investigation and assistance unit; amending RCW 43.43.600, 43.43.610, 43.43.630, 43.43.650, and 43.43.785; adding new sections to chapter 43.43 RCW; and repealing RCW 43.43.620.

Referred to Committee on Judiciary.

SB 5539 by Senator Moore

AN ACT Relating to health care service contractors; and amending RCW 48.44.026.

Referred to Committee on Financial Institutions.

SB 5540 by Senators Wojahn, Kiskaddon, Johnson and Kreidler (by request of Department of Social and Health Services)

AN ACT Relating to Indian child welfare; amending RCW 13.04.030, 26.33.080, 26.33.090, 26.33.110, 26.33.120, 26.33.160, 26.33.240, 26.33.310, 74.13.031, 74.13.080, 74.15.020, and 74.15.090; adding a new section to chapter 13.34 RCW; adding a new section to chapter 74.15 RCW; and providing an effective date.

Referred to Committee on Human Services and Corrections.

SB 5541 by Senators Halsan, Zimmerman and Moore

AN ACT Relating to annual audit of the liquor control board; and amending RCW 66.08.024.

Referred to Committee on Governmental Operations.

SB 5542 by Senators Stratton, McCaslin, Hansen, Barr, West, Saling, Deccio, Newhouse and Hayner

AN ACT Relating to conservation district funding; and amending RCW 70.146.060.

Referred to Committee on Ways and Means.

SB 5543 by Senators Owen, Kreidler and Rasmussen

AN ACT Relating to lowland game trapping; and adding a new section to chapter 77.16 RCW.

Referred to Committee on Natural Resources.

SB 5544 by Senators Kreidler, Deccio, Kiskaddon, Wojahn, Johnson, Tanner, Stratton, Bauer, von Reichbauer and Moore (by request of Department of Social and Health Services)

AN ACT Relating to nursing home employee wages; amending RCW 74.46.180 and 74.46.460; and adding a new section to chapter 74.46 RCW.

Referred to Committee on Ways and Means.

SB 5545 by Senators Halsan, Newhouse, Bauer, DeJarnatt, Nelson and Moore

AN ACT Relating to criminal sentencing; amending RCW 9.94A.030, 9.94A.180, 9.94A.310, 9.94A.360, and 9.94A.400; and reenacting and amending RCW 9.94A.120.

Referred to Committee on Judiciary.

SB 5546 by Senators Talmadge, Newhouse, Bauer, Nelson, Hayner and Moore

AN ACT Relating to the crime of assault; amending RCW 9A.36.010 and 9A.04.110; and adding a new section to chapter 9A.04 RCW.

Referred to Committee on Judiciary.

SB 5547 by Senators Garrett and Moore

AN ACT Relating to insurance claims payments; adding a new section to chapter 48.18 RCW; and creating a new section.

Referred to Committee on Financial Institutions.

SB 5548 by Senators Peterson and Hansen

AN ACT Relating to reflectorized warning devices; amending RCW 46.37.450; and adding a new section to chapter 14.16 RCW.

Referred to Committee on Transportation.

SB 5549 by Senators Stratton, Pullen, Rasmussen and Deccio (by request of Department of Corrections)

AN ACT Relating to the resetting of execution dates; and amending RCW 10.95.200.

Referred to Committee on Human Services and Corrections.

SB 5550 by Senators Talmadge, Nelson, Halsan, Deccio, Hayner and West (by request of Department of Corrections)

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

Referred to Committee on Judiciary.

SB 5551 by Senators Wojahn, Deccio and Stratton (by request of Department of Corrections)

AN ACT Relating to rights of prisoners; amending RCW 10.77.170, 71.05.350, and 72.02.100; and repealing RCW 72.02.110.

Referred to Committee on Human Services and Corrections.

SB 5552 by Senators Bailey, Bender, Nelson and Johnson

AN ACT Relating to candidates for chief law enforcement officers; adding new sections to chapter 35.27 RCW; and creating a new section.

Referred to Committee on Governmental Operations.

SB 5553 by Senators Talmadge, Wojahn, Kiskaddon, Stratton, Kreidler, Craswell, McCaslin, Nelson, Moore and von Reichbauer

AN ACT Relating to the children and family services pilot project; creating new sections; making appropriations; providing an expiration date; and declaring an emergency.

Referred to Committee on Human Services and Corrections.

SB 5554 by Senators Talmadge, Wojahn, Kiskaddon, Stratton, Kreidler, McCaslin, Moore and Newhouse

AN ACT Relating to child protective services; amending RCW 13.34.020, 13.34.030, 13.34.120, 13.34.180, 13.34.190, 26.44.010, 26.44.020, 26.44.030, 26.44.053, and 26.44.070; reenacting and amending RCW 13.34.060; and creating a new section.

Referred to Committee on Human Services and Corrections.

SB 5555 by Senators Halsan and Zimmerman (by request of Office of Financial Management)

AN ACT Relating to state information technology; amending RCW 43.105.020, 43.105.032, 43.105.041, 43.105.050, 43.105.060, 43.105.080, 43.105.130, 27.26.020, 42.17.2401, 43.03.028, 43.19.1905, and 43.19.1923; adding new sections to chapter 43.105 RCW; creating new sections; repealing RCW 43.19.690, 43.105.010, 43.105.014, 43.105.016, 43.105.043, and 43.105.045; providing an effective date; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 5556 by Senators Kreidler, Zimmerman and Kiskaddon (by request of Department of Ecology)

AN ACT Relating to flood control; amending RCW 86.16.010, 86.16.020, 86.16.035, 43.27A.200 and 43.83B.320; adding new sections to chapter 86.16 RCW; and repealing RCW 86.16.027, 86.16.030, 86.16.040, 86.16.050, 86.16.060, 86.16.065, 86.16.067, 86.16.070, 86.16.080, 86.16.085, 86.16.090, 86.16.100, 86.16.110, 86.16.130, and 86.16.170.

Referred to Committee on Parks and Ecology.

SB 5557 by Senators West, Owen, Deccio, Stratton, Garrett, Smitherman, Hayner and Sellar

AN ACT Relating to insurance; reenacting and amending RCW 82.04.260; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5558 by Senators Gaspard, Bauer, Bailey, Smitherman, Benitz, Barr, McDonald, Bender, Craswell, Conner, Rasmussen, Kreidler, Williams, Hayner, Nelson, West and von Reichbauer

AN ACT Relating to the Washington scholars program; amending RCW 28A.58.822; adding a new section to chapter 28B.80 RCW; and creating a new section.

Referred to Committee on Education.

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

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENT  
MOTION

On motion of Senator Rasmussen, Gubernatorial Appointment No. 9073, Joseph R. Blum, as Director of the Department of Fisheries, was confirmed.

APPOINTMENT OF JOSEPH R. BLUM

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; nays, 1; absent, 4; excused, 3.

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

Voting nays: Senator Moore - 1.

Absent: Senators Bluechel, Lee, Rinehart, Tanner - 4.

Excused: Senators McDermott, Peterson, Zimmerman - 3.

## SECOND READING

SENATE JOINT RESOLUTION NO. 8207, by Senators Newhouse, Talmadge, Benitz and Deccio

Revising provisions relating to judges pro tempore.

The resolution was read the second time.

## MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Joint Resolution No. 8207 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Joint Resolution No. 8207.

## ROLL CALL

The Secretary called the roll on final passage of Senate Joint Resolution No. 8207 and the resolution passed the Senate by the following vote: Yeas, 45; nays, 2; excused, 2.

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

Voting nay: Senators Pullen, Rasmussen - 2.

Excused: Senators Peterson, Zimmerman - 2.

SENATE JOINT RESOLUTION NO. 8207, having received the constitutional majority, was declared passed.

## MOTION

At 10:26 a.m., on motion of Senator Vognlid, the Senate was declared to be at ease.

The Senate was called to order at 11:13 a.m. by President Cherberg.

## SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4401, by Representatives Jacobsen, Nelson and P. King

Extending the joint select committee on telecommunications.

The resolution was read the second time.

## MOTION

On motion of Senator Williams, the rules were suspended, House Concurrent Resolution No. 4401 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of House Concurrent Resolution No. 4401.

## ROLL CALL

The Secretary called the roll on final passage of House Concurrent Resolution No. 4401 and the resolution passed the Senate by the following vote: Yeas, 47; excused, 2.

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

Excused: Senators Peterson, Zimmerman - 2.

HOUSE CONCURRENT RESOLUTION NO. 4401, having received the constitutional majority, was declared passed.

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

There being no objection, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 5059, on reconsideration, deferred January 26, 1987.

EDITOR'S NOTE: Please see motion by Senator Sellar on February 6, 1987, to include all the remarks in the Journal on Engrossed Substitute Senate Bill No. 5059 for February 4, 1987.

#### MOTION

On motion of Senator Vognild, the rules were suspended and Engrossed Substitute Senate Bill No. 5059, on reconsideration, was returned to second reading and read the second time.

#### MOTION

Senator Vognild, moved that the following amendment by Senators Vognild and Metcalf be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 77, chapter 35, Laws of 1945 as amended by section 12, chapter 8, Laws of 1953 ex. sess. and RCW 50.20.090 are each amended to read as follows:

An individual shall be disqualified for benefits for any week with respect to which the commissioner finds that ~~(his)~~ the individual's unemployment is due to a stoppage of work which exists because of a labor dispute at the factory, establishment, or other premises at which ~~(he)~~ the individual is or was last employed: PROVIDED, That this section shall not apply if it is shown to the satisfaction of the commissioner that:

(1) ~~(he)~~ The individual is unemployed due to a lockout by his or her employer, except for lockouts by employers who are members of a multi-employer bargaining unit after one member of the multi-employer bargaining unit has been struck by its employees as a result of the multi-employer bargaining process if:

(a) (i) The recognized or certified collective bargaining agent has notified the employer that the employees are willing to return to work, pending the ratification of a new collective bargaining agreement, under the terms and conditions contained in the employer's last contract offer made prior to the start of the lockout; or

(ii) The employer's last offer amounts to a substantial deterioration of the terms and conditions of employment which existed prior to the termination of the last collective bargaining agreement between the employer and the individual's recognized or certified collective bargaining agent; and

(b) The individual has been locked out for four or more weeks. Benefits shall be payable to an otherwise eligible individual beginning with the fourth week in which the individual is unemployed due to a lockout.

This subsection (1) shall have no effect on and after December 27, 1987; or

(2) (a) The individual is not participating in or financing or directly interested in the labor dispute which caused the stoppage of work; and

~~((2)-he))~~ (b) The individual does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage, there were members employed at the premises at which the stoppage occurs, any of whom are participating in or financing or directly interested in the dispute: PROVIDED, That if in any case separate branches of work which are commonly conducted as separate businesses in separate premises are conducted in separate departments of the same premises, each such department shall, for the purpose of this subdivision, be deemed to be a separate factory, establishment, or other premises.

Sec. 2. Section 11, chapter 2, Laws of 1970 ex. sess. as last amended by section 1, chapter 42, Laws of 1985 and by section 2, chapter 270, Laws of 1985 and by section 1, chapter 299, Laws of 1985 and RCW 50.29.020 are each reenacted and amended to read as follows:

(1) An experience rating account shall be established and maintained for each employer, except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, based on existing records of the employment security department. Benefits paid to any eligible individuals shall be charged to the experience rating accounts of each of ~~(his)~~ such individual's employers during ~~(his)~~ the individual's base year in the same ratio that the wages paid by each employer to the individual during the base year bear to the wages paid by all employers to that individual during that base year, except as otherwise provided in this section and in RCW 50.29.022.

(2) The legislature finds that certain benefit payments, in whole or in part, should not be charged to the experience rating accounts of employers except those employers described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, as follows:

(a) Benefits paid to any individuals later determined to be ineligible shall not be charged to the experience rating account of any contribution paying employer.

(b) Benefits paid to an individual under the provisions of RCW 50.12.050 shall not be charged to the account of any contribution paying employer if the wage credits earned in this state by the individual during his or her base year are less than the minimum amount necessary to qualify the individual for unemployment benefits.

(c) Benefits paid to an individual filing under the provisions of chapter 50.06 RCW shall not be charged to the experience rating account of any contribution paying employer.

(d) Benefits paid which represent the state's share of benefits payable under chapter 50.22 RCW shall not be charged to the experience rating account of any contribution paying employer.

(e) In the case of individuals who requalify for benefits under RCW 50.20.050 or 50.20.060, benefits based on wage credits earned prior to the disqualifying separation shall not be charged to the experience rating account of the contribution paying employer from whom that separation took place.

(f) (i) Benefits paid to an individual as the result of a determination by the commissioner that no stoppage of work exists, pursuant to RCW 50.20.090, shall not be charged to the experience rating account of any contribution paying employer.

(ii) Benefits paid to an individual under RCW 50.20.090(1) for weeks of unemployment ending before the effective date of this 1987 section, shall not be charged to the experience rating account of any base year employer.

(g) In the case of individuals identified under RCW 50.20.015, benefits paid with respect to a calendar quarter, which exceed the total amount of wages earned in the state of Washington in the higher of two corresponding calendar quarters included within the individual's determination period, as defined in RCW 50.20.015, shall not be charged to the experience rating account of any contribution paying employer.

(h) Beginning July 1, 1985, a contribution-paying base year employer, not otherwise eligible for relief of charges for benefits under this section, may receive such relief if:

(i) The benefit charges result from payment to an individual who last left the employ of such employer voluntarily for reasons not attributable to the employer, or was discharged for misconduct connected with his or her work; and

(ii) The employer requests relief of charges in writing within thirty days following mailing to the last known address of the notification of the initial determination of such a claim, stating the date and reason for the last leaving; and

(iii) Upon investigation of the separation, the commissioner rules that the relief should be granted.

(i) Benefits paid to an individual who does not successfully complete an approved on-the-job training program under RCW 50.12.240 shall not be charged to the experience rating account of the contribution paying employer who provided the approved on-the-job training.

**NEW SECTION, Sec. 3.** This act applies to lockouts that were ongoing as of December 28, 1986, or that occurred on or after December 28, 1986.

**NEW SECTION, Sec. 4.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION, Sec. 5.** This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

#### REMARKS BY SENATOR VOGNILD

Senator Vognild: "Thank you, Mr. President. This amendment, as presented, deals with lockouts and is basically, a bill we have all seen on the floor before. I'll point out a couple of differences in it. There is a difference in the language on pages 18 through 24. This is language that deals with the four week delay time in the benefits. The language is a cleanup and clarification of language. It does nothing to change the language of the amendment that we've had here on the floor before. The major change in it is the sunset on page 2, line 25. The sunset date is December 27, 1987—a rather peculiar date in some ways, but due to the benefit week structure, you have to use a Sunday and that's why the 27th instead of the 31st. That was a requested change by a number of people on the floor and has been made.

"On page 5 of the bill, you will see that there are some changes in the way the benefits paid are charged to the employer. I believe that most people I have talked to on this floor have felt that we wanted to make this section of the bill as legal as we possibly could so there is no question about it. The Attorney General representing the Employment Security has recommended this change of language. It makes a change so that under the prior language, two weeks would have been

charged to a pooling account. The balance would have been charged to the employer. Under this one, it will be approximately six weeks charged to the pooling account. The balance will be charged to the employers and any additional lockouts, from this point on, will be strictly charged to the employer. Which again, as I understand, is a requirement for the bill and, hopefully, to pass this bill."

#### MOTION

Senator Lee moved that the following amendments to the amendment be considered simultaneously and adopted:

On page 1, line 24, after "individual" strike "is" and insert "has been"

On page 1, line 25, after "unemployed" insert: "during the period December 28, 1986 through December 27, 1987"

On page 2, line 24, after "lockout", insert: "which was ongoing as of December 28, 1986, or which commenced prior to December 28, 1987"

On page 7, line 6, strike "occurred on or after December 28, 1986" and insert "commenced prior to December 28, 1987"

#### REMARKS BY SENATOR LEE

Senator Lee: "Mr. President, ladies and gentlemen. I think that this is something that does not change the substance at all of the striking amendment that we have before us. What it does do, it takes the same dates that Senator Vognild has just described, December 28, 1986, through December 27, 1987, and it places them actually within the language of the bill. There are some people who are very uncomfortable with putting provisos in that are separate paragraphs because of the possibility there might be some kind of circumstance that would cause a veto of that particular portion. There is one other thing. If you want, look over on page 7, which is the last page, which I think is simply a clarifying piece. The way it now reads, there is no reference at all to the ending date. If this were read by itself, it would appear as though anything was applicable in this act after December 28, 1986, without saying, once again, that these kinds of incidents that would qualify would have had to be--also would have had to occur before December 28, 1987. I don't see that there is any problem. I think we should all be able to approve those additions."

#### REMARKS BY SENATOR VOGNILD

Senator Vognild: "Mr. President, I rise to speak against these amendments and I apologize that I haven't seen these particular amendments before. As I am looking at the amendment, I am quite concerned, on page 1, line 24, changing the word 'is' to 'has been.' I think that that perhaps, creates some possibility of some retroactive problems that we didn't anticipate or didn't want in this bill. I can see the situation where a person has been unemployed during this particular time and something else happens later in the year and they wind up with benefits that perhaps we didn't--maybe I should be speaking for it--I don't know. I am just concerned about the way that application goes together."

#### POINT OF INQUIRY

Senator Talmadge: "Senator Lee, is it the intention of these amendments to specifically place the effective date language in the body of a section of the bill, so that the Governor's veto power will be circumvented, in event the Governor chose to exercise it with respect to the later section in the amendment by Senator Vognild that sets forth the effective date?"

Senator Lee: "The intent is to make it less subject to a veto. Now, I think you are probably even more familiar than I may be with various court rulings. The most recent one has said, in the case of the motorcycle franchise bill, that when a Governor goes in and takes out little pieces of something that is in another paragraph, that that is beyond his item veto power. Let me propose another reason for putting them, in fact, in both sections. Let's say that section A, by the time it reaches his desk, is thought of as not being necessary and it is still there as far as section B is concerned."

Senator Talmadge: "But your intention is to adopt these amendments to affect the Governor's veto power should that be considered by the Governor?"

Senator Lee: "That is the purpose, to make a veto less attractive."

Senator Talmadge: "Mr. President, if I could continue? Thank you, Mr. President. I have concerns about these amendments. First, the concern that Senator Vognild raised, I think it is a legitimate one. There is some implication from the term 'has been' involved in a labor situation that would suggest that this bill would be keyed specifically to the Lockheed lockout and that alone. If that is, in fact, the intention of the amendment, then you have a problem with the notion of this legislation coming down to being special legislation and that is something that is constitutionally prohibited to us in this body. I would urge us not to adopt this amendment for that particular reason.

"As for the other amendments, I think that the effective date in this section is clear. It sets forth in the section, if it is the intention of the sponsors to put this language in the various sections to avoid the possibility of a gubernatorial veto, that also has problems. I think we have to rely on the intention of the Legislature here, which is to have the effective dates we have and not try to do this kind of thing to circumvent the Governor's constitutional authority or try to key this bill so narrowly to the Lockheed lockout that it is unconstitutionally narrow."

#### REMARKS BY SENATOR NEWHOUSE

Senator Newhouse: "Mr. President, ladies and gentlemen. I think the concerns raised about this amendment have very little validity. If you read the language of the first amendment, 'has been' and then follow through 'unemployed during the period' and then gives the beginning date of December 28, 1986. I don't think there is any possibility that it could go back beyond that and be retroactive. As for the possibility of including in any statute or bill we pass, some provision that makes it a little tougher for the Governor to item veto, the members who would say that is obnoxious, have done it themselves in other pieces of legislation, I am sure. I think we have the right to do that in protecting the very narrow agreements that we come up with at times."

#### REMARKS BY SENATOR WARNKE

Senator Warnke: "Thank you, Mr. President, speaking in opposition to the amendments. We have delicately worded this--I think it is about the fourth or fifth draft of this bill--for the past three weeks. In addition to which, some of the changes that you will find in here from the previous draft, is wording that we had and took over to the Employment Security Department to make sure that when we speak of weeks and dates, and beginning and ending dates, that all of it fits into the formulas by which Employment Security makes their calculations. We cleared this language in the draft with them last night and I would ask you to please leave the dates and language alone so that there is no question, once again, on the part of anyone, what we are talking about."

#### REMARKS BY SENATOR LEE

Senator Lee: "You know, I can't figure out why you are so nervous about this. I mean, you already have in the bill the particular date unless there is some reason you don't want to have it placed elsewhere. I am beginning to get suspicious and I wasn't before this.

"Now, if we talk about special legislation, it clearly would be special if we only limit it to thirty weeks. I mean, that is what unemployment benefits are. We made it for a full year and interestingly enough, an attorney said to me, 'You know they are talking about special legislation.' Have you ever read that part in the Constitution where it talks about what you can not do as far as special legislation? It's very interesting, because it is a list of specific kinds of things like: you can't come to a Legislature to get your name changed, or to allow a minor to buy property. There is no place that says anything about the particular issue that we are addressing now. There may be some case law of one kind or another, but in the entire discussion of all the ways in which we put it together, we have done it with a double purpose not only to be sure that it clearly applies to those workers in the Lockheed situation, but that if a similar situation that takes place anywhere within a one-year period, would also qualify. Now, I see some resistance to making that one-year period clear. That's the reason I am offering these amendments, so that it is clear."

## REMARKS BY SENATOR VOGNILD

Senator Vognild: "Thank you Mr. President. Perhaps I can shed a little light on why there is some uncertainty on this part and resistance to this. As we have talked about this, and we, being a lot of different members on this floor, at different times for the past three weeks or there about. We have made numbers of changes. I have been criticized, perhaps justifiably, because at certain times amendments have come on this floor that certain people haven't time to study and analyse, look at, etc. These amendments came out here and, frankly, I didn't know they were coming. I had a meeting as late as 9:30 today to talk about what was happening. I was shown some amendments at that point in time and was prepared to handle them. These are coming with new amendments and I see that they do the bill absolutely no good. I do not believe that they put any protection in the bill. I think that if the illusion is trying to be drawn here, that some how or other there is an agreement with the second floor--that something is going to happen with this bill-- I can tell you, there is no agreement. The Governor very clearly has stated, he will not make an agreement to either veto or not veto any piece of legislation this body passes, a position that I support him in. I think that's where he should be. I am just going to urge that we defeat these amendments and let's get back to the bill as we have all been working on it for quite awhile."

The President declared the question before the Senate to be adoption of the amendments by Senator Lee to the amendment by Senators Vognild and Metcalf.

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

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senator Lee to the amendment by Senators Vognild and Metcalf.

## ROLL CALL

The Secretary called the roll and the motion by Senator Lee failed and the amendments to the amendment were not adopted by the following vote: Yeas, 23; nays, 24; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, von Reichbauer, West - 23.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Moore, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 24.

Excused: Senators Peterson, Zimmerman - 2.

## MOTION

Senator Lee moved that the following amendment to the Vognild and Metcalf amendment be adopted:

On page 2, line 1, after "employees" insert: "who are members of the collective bargaining unit have voted on and rejected the last contract offer made prior to the start of the lockout and"

## REMARKS BY SENATOR LEE

Senator Lee: "Mr. President, ladies and gentlemen. The issue that the workers, indeed, have voted on the last contract offer that was made prior to the lockout in this particular amendment, is one that mentions a very specific contract. Anything that had been offered prior to that time or subsequent to that time, doesn't count. It's just that last one and, indeed, there has been a vote taken. That is the case as far as the Lockheed workers are concerned. That vote did take place a week and a half, or something, ten days after the lockout occurred. So, this is not something that would disqualify them if it were adopted. I offered this as a suggestion of a number of members, who, though even some of us had certainly just assumed that would have taken place, knew of some instances where it had not and requested that this amendment be drawn so that it could be part of this piece of legislation."

## REMARKS BY SENATOR WARNKE

Senator Warnke: "Thank you, Mr. President, speaking in opposition to the amendment. I have resisted all attempts on the part of both employees and

employers throughout the negotiations of this bill, to inject ourselves in the collective bargaining process. An amendment like that, does not belong in unemployment compensation law. It belongs under 46 statute or it belongs under NLRB or it belongs in the collective bargaining agreements. It does not belong in an unemployment comp benefits package. If you are going to do something like this, the counter to that is that the employer then may not unilaterally implement his last and best offer. If the employees have to vote on their offer, then they can not put it into effect. There is the counter. You are not making that offer. It's placing this bill in the collective bargaining process and we don't want to be involved in that."

#### REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, I can think of another counter offer. The last offer of the union has to be submitted to the shareholders of the corporation."

The President declared the question before the Senate to be adoption of the amendment by Senator Lee to the amendment by Senators Vognild and Metcalf.

The motion by Senator Lee failed and the amendment to the amendment was not adopted.

#### MOTION

Senator Lee moved that the following amendment to the Vognild and Metcalf amendment be adopted:

On page 2, line 7, after "lockout;" strike "or" and insert "and"

#### REMARKS BY SENATOR LEE

Senator Lee: "Mr. President, ladies and gentlemen, this is a substantive amendment. It is one on which reasonable people can certainly disagree, but one on which, and as far as its basic premise is concerned, I agree completely with what Senator Warnke says, that we should not be interjecting ourselves into labor/management agreements. Let me explain why, if we do not adopt the 'and' instead of the 'or' which I am proposing in this amendment, that we would, in fact, be doing that. The way the striking amendment now stands that we have before us, is that in the case of a lockout, if the agent for the collective bargaining unit went to the employer, whether they had a vote or not, because we turned that one down, and said, 'We are willing to go back to work for your last offer, pending further negotiations,' regardless of what that was. It could, in fact, have been a ten percent increase, but still unwilling to sign a contract. If the employer said, 'I can not do business unless I've got a contract, I've got federal contracts that I want to bid on and so on and I've got to have an agreement signed or else a non-union work force,' but what we are saying here, even if that happens, they offer them an increase in wages, but they don't want to sign a contract and a lockout occurs, they are qualified for benefits.

"However, if we put the 'and' in as I am suggesting, that occurrence could not take place. We would have the bill that covers the situation as far as Lockheed workers are concerned, wherein, they have said they are willing to go back to work even under a substantial deterioration in the contact and are still locked out.

"That's the kind of situation that we have as far as the Lockheed workers are concerned. It is that kind of a situation that I really think that the workers are in the kind of position where if they had not been a member of a labor organization, an individual, that's the terms under which the individual could qualify for unemployment benefits. They certainly couldn't qualify if they voluntarily quit and there wasn't a substantial deterioration. Unless we change that 'or' to 'and,' we will be saying to lockout workers, even if there isn't a substantial deterioration, that they can be entitled to benefits under a lockout situation, which has been instituted in order to try to get contracts signed and negotiations underway once again. This is crucial. As far as I am concerned, the bill is useless without that amendment."

#### REMARKS BY SENATOR VOGNILD

Senator Vognild: "Thank you, Mr. President, I think that we are now discussing probably the most substantial amendment that we have out here and I think we need to know exactly what we are doing with this amendment and what we are doing with the bill, so let me start with the bill. The bill, as written, says that in order to draw benefits, several things must happen. The first one is that there must be a

four week delay, mark that in your memory--there must be a four week delay. Every person that is involved in a locked out situation will face a four week delay--four weeks with no benefits. Then we come to the second criterion. The second criterion is, they must be willing to return to work at the last offer made. They must be willing to return to work at the last offer made. If they meet those two criteria, benefits would be available on the fifth week. If the offer, now we come to the third phase, if the offer by the employer is a substantial deterioration of benefits and/or conditions, generally ruled to be fifteen percent or more, then that can substitute for willing to work. Nothing will substitute for the four week delay.

"Take this scenario if you will: I work for a company, I do not belong to a union, I simply work there. My boss comes up to me and says, 'I am going to cut your wages by twenty percent' and I say to him, 'I can not work for that, I can not do it and I must leave.' I go and apply for benefits. I receive them after one week, a one week delay. I receive those benefits, no four week delay. I don't have to be willing to go back to work. I don't have to go back to work. I can get benefits.

"Now, I am going to take another job and I take this job and I happen in this case, to be a union employee. My boss comes up to me and says, 'Twenty percent reduction.' I, in connection with my other members, say 'I can not work for that.' The boss says, 'Okay, you're not working, you're locked out.' I go apply for benefits. I am denied benefits. I can't draw them, period, so I go back and tell my boss, 'I'm willing to work for your last offer, I am willing to go back to work and work for your last offer, I want to continue to try to get a contract, but I will work for your last offer.' The boss says, 'No you won't, I won't take you back,' so I go back down and I apply for benefits and they say to me, 'Well, if you will come back at the end of four weeks, you will be qualified for benefits.' Remember, that first person qualified for benefits after seven days. Because I happen to be part of a bargaining unit, I have to wait the four weeks.

"What we are doing, if we adopt this amendment, is we are saying, that if you belong to a collective bargaining unit, you must meet three criteria---three criteria. If you do not, you only have to meet one. I don't see that that is fair. Now, I can probably carry that argument along, say we should not have the four weeks in there. So, why is the four weeks in there? There is some logic, I think, and I have a little problem with it, but basically I think I can see the logic in the four weeks because one individual, operating on his own, has less control of their destiny, you might say, in terms of negotiating with an employer, than a group does. We are sitting here, this side, reluctantly, saying we will accept the four weeks delay--four weeks without benefits, but it's just not reasonable to put all three criteria simply because we belong to a bargaining unit.

"This bill has a sunset, a sunset that a lot of us here on the floor think is a mistake, because we feel this will be coming back to visit us next year. Knowing that, I urge you even stronger to reject this amendment. Let's take a look at this thing, a good long look after we have had a year's experience to see if we need the bill at all and see if we need some kind of language changes in here. See if there is something else we can do to accomplish the one thing I think every member on this floor would agree with. What we want to accomplish is to drive the two units back together into negotiation to put these people back to work, so that not only they, but the economy survives as well. I urge you to vote no."

#### REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Thank you, Mr. President, members of the Senate. Senator Vognild is probably more charitable about this amendment than he really needed to be. What it amounts to is discrimination based on union membership. There is something in the State and Federal Constitutions relating to equal protection of the law. Basically, that says, that Legislatures can classify for purposes of enacting legislation. We do it all the time, but when a court looks at how we classify and differentiate in the way that we have, they are going to look at the classes that we have set up in certain ways. If you classify on the base of race or sex or certain other categories, the courts look at that with very strict scrutiny and usually doesn't accept those kinds of classifications that we have made. It also looks at certain other kinds of classifications, probably the type we have before us, on the basis of

some rational basis, if there is some rational basis for making this kind of classification. The answer in this case is, clearly no.

"As Senator Vognild has pointed out, what you have is a classification of individuals based solely on union membership. You've got before you, what amounts to an amendment that will probably make this particular enactment unconstitutional on equal protection grounds and, I think, a serious mistake. I urge you to turn down this amendment, because you raise more problems than you solve by doing this kind of thing."

#### REMARKS BY SENATOR WARNKE

Senator Warnke: "Thank you, Mr. President, members of the Senate. In addition to the discriminatory aspects of this amendment, I wanted to remind you that the definition of substantial deterioration is fifteen percent by the Employment Security Department, when they make their determination. So, an employer could get around all of this bill by making a ten percent cut reduction to his employees. Remember, the employees are already in the field, they are already locked out. I think that is even worse. That is a tool where we are giving the lines, upper and lower lines, in which an employer may make an offer to his employees to keep them from drawing unemployment compensation benefits. I think it's a bad amendment."

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Lee to the amendment by Senators Vognild and Metcalf.

#### ROLL CALL

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

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Sailing, Sellar, von Reichbauer, West - 23.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Moore, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 24.

Excused: Senators Peterson, Zimmerman - 2.

#### MOTION

On motion of Senator Lee, and there being no objection, the following amendments on the desk were withdrawn:

On page 2, line 19, after "for, strike "four" and insert "seven"

On page 2, line 22, after "the", strike "fourth" and insert "seventh"

On page 7, after line 7, insert a new section as follows:

"NEW SECTION. Sec. 4. The department of employment security shall report to the commerce and labor committees of the senate and the house of representatives by January 1, 1988, on the number of claimants receiving benefits and the total amount of benefits paid to date under this act."

#### REMARKS BY SENATOR LEE

Senator Lee: "Mr. President, ladies and gentlemen. These amendments were an attempt to get a bill that fully addresses the plight of the Lockheed workers. If one of them, indeed, had been adopted, there would have been substantial bipartisan support. It is clear, there is no attempt or any wish to do that and that was clearly communicated. To be sure that it was clear, I wrote it down and handed to the individuals concerned before this final vote was taken. I'm sorry. We tried our best. We will see what happens from now on."

#### REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, I want to set the record straight. We started out with a bill that was signed by bipartisan support introduced to solve the problem of lockouts. From that point on down, its been every day, there just has to be one more amendment, one more little amendment. Well, I have been saving them. We went from a no cut-off date, then to a two year cut-off date until an April 1st date,

now a 12-27th cut-off date. Always, constantly, one more amendment you gotta give us before you'll give us any votes."

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

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

#### MOTION

At 11:56 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 12:15 p.m. by President Cherberg.

#### MOTION

On motion of Senator Vognild, the rules were suspended. Reengrossed Substitute Senate Bill No. 5059 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### REMARKS BY SENATOR METCALF

Senator Metcalf: "Thank you, Mr. President, and members of the Senate. I'm going to vote for this bill today and I think I would like to say why. I haven't made any deals. Labor defeated me in the election of 1958 and 1964, specifically. That is history, but I haven't forgotten it. I am for this bill, because I try to look at the larger picture. I have been watching history for a while. I've taught it and I think we should keep the larger picture in sight. I am sorry that it is going to delay lunch for five minutes, but I am going to go through this.

"Before the Civil War, wages were quite high comparatively in America, because everybody wanted to farm. They wanted to go and get their own land and you couldn't get people to work in factories very easily. After the Civil War, as you know, there was a vast immigration sponsored by large corporations to an extent. Getting people to come to America for a noble motive partly, but also to have cheap labor and they did and they got enough people to come and labor was very cheap here. You know the rise, the painful slow rise of the labor unions. The playing field, at first, was tilted totally in favor of the large corporations. Over the years, from about a hundred years ago until about the 1920s, it slowly tilted back toward a level between labor and management.

"In 1932, it tilted suddenly in favor of labor, very pro-labor, the appointment to the NLRB and so forth. We saw fifty years where labor really dominated and the field was tilted very much in their favor and there were terrible injustices and corruption by big labor. I came into politics under this system and I vigorously joined the pro-business side, because I saw the field tilted in a way that I didn't think was fair. I am trying to look for a level playing field. I've crossed picket lines in 1976 and 1978 and I took all the abuse and threats and I watched the damage to a fine school district, the Everett School District, just because of labor whipping up an issue.

"However, in recent years, the public sentiment is turning against big labor, against the misuse of their power. Vast changes are taking place in America. In recent years, we merger-mania in this country. The large are growing larger. The growing largeness of corporate America is something that I am concerned about, because I don't really believe it is in the interest of the people. I see the power moving toward the super-large multi-national corporations. I see it is moving against labor and I see labor membership falling, at least per capita, certainly. When Reagan made appointments to the NLRB, that tipped the balance from what it was—pro labor toward a pro-business stance and I applauded, because I still felt that this should be a level playing field. But something in the back of my mind disturbed me; warning bells started to go off. I felt that this was not a trend I would like to see continued. I watched the air traffic control issue and when President Reagan took his action there, part of me cheered, but part of me felt deep concern. I decided I was going to watch this issue very closely and watch this balance. Since then, I have been watching closely and I don't like what I see.

"Union busting has become an objective of some corporations. I don't think that is in my interest; I don't think it is in your interest and I certainly don't think it is in the people's interest. I am going to give you a specific case, because it is the one

that I am closest to. You all know Joan Houchen who served in the House for a couple of years. Her husband was a Continental pilot for twenty-six years. He was a captain of a 747. His best year was \$85,000. Continental was in financial troubles and they took a fifteen percent cut. They were negotiating a twenty-two percent cut when suddenly negotiations stopped and they wondered why. That week-end or a couple of days later Continental declared Chapter 11 Bankruptcy. After Chapter 11 Bankruptcy, the offer to them--the pilots and to the workers--was a fifty percent cut on top of their fifteen percent pay cut previously or under if you want to call it that. No further credit, they could keep their retirement, but no further credit toward their retirement system and they pay their own medical expenses. Now, that is what Ray Houchen was faced with. His salary then would have been from \$85,000 to about \$40,000 and no further credit toward his retirement and pay his own medical expenses.

"Now, that is union busting, folks. It did bust the union, but when I saw Ray Houchen, a conservative Republican, out at SeaTac Airport carrying a picket sign, I had to take a new look at what was happening in this world. Now, the NLRB's recent rule change made lockout a much more effective tool of management. The point is the field is tilting and we all agree on that, but is it nearing level or is it now tilting against labor? That's where the argument is and I don't know. I am no labor lawyer, but I do know what happens to people out there and I care very much about people and the people in my district. I believe the lockout can now be used differently. I have heard, and I can't prove it, but I believe that what Lockheed did, the lockout that they accomplished would have been illegal two years ago.

"We've all listened to both sides. I don't know where the truth is in this. It is my belief that the field has been unfairly tilted, that the lockout can now be used improperly against labor and I worry about that. I believe if this issue isn't settled by this Legislature or the next Legislature, we will see the lockout used in ways that we do not approve of.

"I guess I have little confidence in the vast multi-national corporations to have a social conscious for the best interest of the workers. I think they are committed to the bottom line, period. Now, smaller corporations and smaller business, that is different, but the super-large, you watch out, that is what we are seeing in America. We are seeing a trend that I don't think is in the interest of the people and I think we had better take a look at it. I think we are going to have to deal with this issue. I think this bill is not quite what I want. I voted for the amendments, but I think it is the best that we can get and I urge you to vote for it."

#### REMARKS BY SENATOR LEE

Senator Lee: "Mr. President, ladies and gentlemen. This particular exercise has been very agonizing for a lot of individuals. I think it's clear that if we had a bill out here today that addressed just the kind of situation that the Lockheed workers are in, we would have far more than twenty-five votes, we would have more than just one Republican vote, but we don't have it. In fact, the test was failed when amendments were put up to be sure that the sunset clause was not hanging out there like a ladies purse dangling from her arm and that we were going to tie it to the specific kinds of situations that occurred as far as Lockheed workers were concerned wherein, not only had they voted on their contract, but they were willing to go back to work even under substantial deterioration. No, we had to go further than that. We had to include something like Draper Farms, for example, who were offered an increase that the workers did not think was adequate and were locked out though it will apply to things of that sort.

"Therefore, it is not just a bill to address the situation that we see where there is an international union, headquartered in Washington D.C. and a company headquartered in San Francisco and where arguments could be made that both of the big fellows made mistakes and that the workers are, in some cases, almost a pawn in this particular situation. If the amendment that put the 'and' in there had been adopted, I can assure you that it would have addressed the Lockheed situation and those similar to it that took place within the coming year and I would have voted for it, but I can not because this is not a Lockheed bill. This is a bill that changes entirely the balance in negotiations between management and their

organized work forces. It, also, is a bill that does not address the economic realities that we are looking at.

"I think, something else I want to clarify, and this shouldn't be a surprise to anyone across the aisle. I know it is of no surprise to anyone on this side of the aisle that that 'and' was crucial in order to narrow the act. I informed your floor leader yesterday morning, we talked about it again this afternoon and early this morning and then once again, because I didn't want any misunderstanding of people saying that the two changes that were in there, were made at a Republican request. All of the earlier changes, the original sunset and some of those things, were made in order to get Democratic votes, so don't say all those changes were put in from the original bill just to satisfy people on this side of the aisle or that. You always ask for one more thing, because we have gotten to the place, where the one more thing has been identified and was rejected. I think that this may not be the last time we get a chance to negotiate and that with good will, we can, if further negotiations are necessary, take care of the situation and take care of the Lockheed workers, because that is what we want to do."

#### REMARKS BY SENATOR WARNKE

Senator Warnke: "Thank you Mr. President, members of the Senate. I suppose I am torn with the bill. It is apparently going to go down in defeat here, but I have heard a lot of talk in the last couple weeks about a level playing field. Let me make a couple comments to you by a pretty fair company manager by the name of H. Ross Petrot. He took a little company and built that corporation up until he was able to take on IBM, so he was fairly successful. In fact, he was so successful that other managers in other companies didn't like him. He was too damn good. You know what he said about a level playing field? He said, 'Management thinks a level playing field is when they own the bat, the balls and all of the bases, then the playing field is even.' You know what else he said? He said, 'You know the first thing that happens when a large company gets in trouble? They blame their employees. They never look at their marketing, they never look at their own management techniques, they don't look at supervisory load, they blame the employees, because they are the ones they can get at, and who wants to blame themselves?' Right. Well, we have addressed all of the issues in this bill. Everyone that we started out to. It certainly isn't one that I want, but all of the excuses I've heard for voting against this bill, the one I will tell you this about further negotiations, before I'm involved in them, they are going to be in good faith."

#### REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President and members of the Senate. I have passed out to you a copy of the Laws of 1937 when unemployment compensation was first enacted. In those days, as we still sometimes do, there is a preamble clause to talk about what unemployment compensation was for and what it was about. It wasn't about labor law. It was about trying to prevent the social impacts to the whole economy of the state of Washington caused by people out of work. That's the bill we are amending. We are talking about what do we do when there are people out of work through no fault of their own. We are not talking about amending the labor law standards.

"Now, I am told that an employee who is getting \$2,200.00 a month is going to stay out on strike longer if he can just get \$150.00 a week. Now, that doesn't make a lot of sense. But it does make a lot of sense to the local fuel/oil dealer and to the banks and to the car dealers who are getting payments on some of the contractual obligations of these people. As we sit here and delay for a little while longer, until the House can send a bill over to us, until Senator Peterson can get back, a compromise that is designed not for Lockheed, but is designed to put some kind of playing field back into the system until we can get back down here next January. That's what it's about. All we are doing today, is delaying it a little bit longer."

#### REMARKS BY SENATOR NEWHOUSE

Senator Newhouse: "Mr. President, ladies and gentlemen. The lawyers say that the Legislature should not settle a lawsuit by legislative act. I think far more important than that, the Legislature should not settle a labor dispute by something like

this or interfere in a labor dispute. A lot of us are concerned and we are not experts in labor law and we are getting involved in a terribly complex situation.

"You know, unemployment compensation is something that has become a social necessity in this day and age, paid for by the employer to tie over the employee when he is out of work through no fault of his own. To use unemployment compensation as, in effect, a tool in a labor dispute is something we haven't really allowed or wanted to get involved in. The sad fact is that if we pass this bill, it will probably help in the demise of Lockheed in the state of Washington and we are going to destroy the very jobs we would like to help. Now, we do hear in this situation that there will be negotiations resumed later this month without this bill. I hope so. I hope they do restart negotiations. I think we have proved by the amendment which Senator Lee described that this is not the way it is now designed to be a bill just to help the Lockheed people, but to change the rules of the game in labor disputes.

"You know, we are exporting jobs in this country. We are losing them because we are not competitive anymore. We are not competitive for lots of reasons. Our tax structure doesn't allow a corporation to rebuild its facilities and be more competitive with Japan or Korea or wherever. Our labor, I don't mean individually, I mean our labor force is no longer as productive and we don't have the advantage we used to have over years and years from the industrial revolution on. We're buying autos, TVs, computers, oil, from overseas to the point where we have a horrid deficit of payment that is going to destroy this country if we don't get it under control and that's why I think Lockheed is probably in the situation they are. Their wage rate was too high. They lost the competitive edge advantage that federal laws gave them. They want to bid on a big contract and, yet, I don't want to defend Lockheed because I think maybe they did treat their employees a little bit unfairly and I don't think their union has properly represented the employees in the state of Washington, because they are based in the southeastern part of the country and they are more attuned to their gulf coast workers than they are to Washington workers and maybe these are a throw away. I worry about things like that.

"There are many in our caucus who would like to do something for these Lockheed employees, but not change the rules of the game as far as the labor disputes are concerned. That is what this bill, as written, is doing. It's going to a little bit anyway, but we'd like to get it where it is something to benefit those who have been, as we see it, mistreated a bit right now. Remember that bid coming up very soon—a big one—big for the state of Washington, big to Lockheed, obviously, and they will not have a labor contract so that they can effectively bid and have the assurance they can go to work and provide jobs for our state. I think by passing this bill, in this way, if it does go, we are helping destroy what business climate we have that can keep and attract jobs."

#### REMARKS BY SENATOR VOGNILD

Senator Vognild: "Thank you, Mr. President. I rise, I guess, somewhat sadly. I'm not sure if I'm speaking to the bill or if I am giving it an eulogy. It appears to be dead. We are standing here on this floor and we are debating things that really don't have that much bearing on whether this bill passes or not. I guess maybe I just feel like I have to put it in perspective. I have been somewhat involved in the negotiations on this bill and I have been constantly told, 'The sunset clause—the sunset clause—the sunset clause.' We put a sunset clause in. We moved the sunset clause. As late as last night, I was told, 'Yes.' In this case I will say, I was told, that the sunset clause was the key. It absolutely was the key. This was not a Senator that told me this. This was a lobbyist representing the business community. So, what did we do? We moved it again.

"You know, I guess I feel so bad because somewhere along the line in this test of strength, this test of power of who controls this floor, Republicans or Democrats, who controls the Senate, which Senate lobbyists control the Senate, that's the issue folks. Come on, let's admit it. It's what we are talking about here. We are not talking about Lockheed employees that are starving and losing their homes. We are trying to figure out who the heck controls this floor.

"Senator Newhouse, I'm sorry but that is the message I'm getting each and every time. I think good faith amongst a lot of us on the floor, and I am not faulting

everyone involved that we have come to what should have been an agreement--what other people are telling us is an agreement--the agreement changes.

"I feel extremely sad that this bill will probably go down. More people will probably lose their homes, while we hassle it out to try to find out where the bottom line is and who gets to put the last period in. Angry? Yes, I am. I am angry because it was my belief that we gave to the opponents, the last word, the last period, with the last change. I made a tactical error and I freely admit it. What I should have done was left the sunset date of April, come out on the floor, let you put up an amendment to go to April and then you would have won an amendment and perhaps there would have been some votes. Those of you, who I know want to vote for this bill, don't you realize that you won it? We made the mistake of changing it in the draft, but it was your amendment, at your request to go to December of 1987, and it's there.

"I wish I had it to do over. Hind sight is great. If I had it to do over again, we wouldn't have put that stuff in the draft. We would have come out here on the floor, let a couple of amendments hang and, perhaps, we'd have had the votes. It's tragic, I guess."

#### REMARKS BY SENATOR HAYNER

Senator Hayner: "Mr. President, ladies and gentlemen. I was not intending to speak on this issue, but Senator Vognild, no one speaks for this caucus but the leadership of this caucus or those who are given the authority. There were some who were given authority and we have kept very close tabs. No one else speaks for us. It is not a lobbyist, it is not any citizen out there, it is the leadership of this caucus.

"Now, if you wanted to know the answer to any of those questions, you would have received them from the leadership. No one came to George, no one came to me and asked that question. Let me just say, that we are very concerned, primarily, with taking care of those people who are out of work and need help. Now, it seems to me that you kind of changed the whole perspective on this. I think all of us are concerned about this. There are some people out there who can't meet their mortgage payments and I am concerned about that. That is the issue we were trying to solve. Now, you are saying, 'Yes, but along with it, we want to make all of these changes in the labor laws.' Well, we think it is inappropriate at this time. Emotions are running very, very high on this issue. It is much more appropriate to deal with that at another time and this bill, with our amendments, would have done what we thought was necessary to bring this at some level playing field. Not a level playing field, but certainly back to some area that wasn't totally out of reason.

"Economic development--we all give lip service to economic development in this state. It's very important to us. Our unemployment has gone back up to 8.2 percent, very concerning when the national average is below that and we seem to creep up. The income of our citizens is declining. Yet, what are we doing? We are constantly making it less attractive for business to come to this state, the businesses who create jobs. I want to just emphasize something else. We are never going to solve this problem by voting for labor or for management. Somewhere along the line management and labor are going to have to begin working together as they do in Japan and in Germany and Korea and some of these other places and if they aren't getting the message, we are going to export all of our manufacturing and many of our businesses and we will be left with service industries that pay very low salaries. That is not the kind of thing we want, so I say this is not a bill we want to pass today."

#### REMARKS OF SENATOR TALMADGE

Senator Talmadge: "You know, with all this discussion of playing fields, I feel somehow this whole discussion should be on the sports page instead of the news pages of the papers. Senator Hayner, I suppose it would be nice if we had the kind of cooperative arrangement to which you refer that exist in some countries, but note, Senator Hayner, that in those countries they also provide, literally, cradle to grave kinds of benefits for health and maternity and a whole array of other things

that I am yet to see a whole lot of support come bounding from your side of the aisle.

"I guess my point in all of this is, it's terrible to have an institutional memory. You know, we have dealt with the unemployment compensation issue at least on two or three occasions out here on the floor of the Senate over the last three or four years. One of the agreements that was struck in that effort, in that discussion, was to provide for no unemployment compensation benefits to workers who were on strike, but to provide unemployment compensation benefits to people who are locked out. That was the understanding in the course of those negotiations. That was exactly what was thought to have been accomplished in that legislation.

"Now, with this particular situation, with the changes to the NLRB to which Senator Metcalf has referred, and the interpretation of the law by the Department of Employment Security, an interpretation, I frankly have to tell you, that I don't agree with, unemployment compensation benefits have not been made available for people who are locked out in this controversy and other controversies, and that's unfair.

"I've heard what amounts to a whole series of speeches made for constituents back home to explain reasons for failing to vote for this bill and I suspect that a lot of people are going to have to make those kinds of speeches for awhile longer and I doubt that those speeches are going to wash with constituents who are not able to pay for food for their children, who are not able to make the kinds of payments on car and house and all the other necessities of life that Senator Bottiger has referred to. Those speeches just won't wash.

"What you asked for in the final analysis was a lot of agonizing over one word, over the word 'and.' Well, that little amendment 'and' would probably make the amendments unconstitutional. You are out there fighting for something that is violative of equal protection, that was discriminatory against labor unions, that probably would have run afoul of even the National Labor Relations Act, as the Reagan administration understands it, and simply would not have worked. It is a fascinating kind of argument for something that just couldn't cut it in terms of reality. The sad thing is, we have listened on and on and on about this particular issue and the fact of the matter is, the lockout has become a tool of management in a way that is unacceptable.

"Senator Metcalf is absolutely right. We can go on and on talking about playing fields and all the rest of the hoopla but, what you are going to do, by failing to pass this bill, is force a lot of people to either wait until a situation where Lockheed or any other employer, has replaced the entire work force, then those people will be entitled to unemployment compensation benefits. Senator Vognild says that even under the ruling, they won't even draw it then. You will probably force a fair number of these people into public assistance. Now, it's just not right to have this kind of thing happen. I remember and I think a lot of people out here remember, what amounted to an agreement that was achieved on those compromise unemployment compensation bills and if anything, that agreement now appears to have been renegeed upon and and that's a sad thing to see."

The President declared the question before the Senate to be the roll call on final passage of Reengrossed Substitute Senate Bill No. 5059.

#### ROLL CALL

The Secretary called the roll on final passage of Reengrossed Substitute Senate Bill No. 5059 and the bill failed to pass the Senate by the following vote: Yeas, 24; nays, 23; excused, 2.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Metcalf, Moore, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 24.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Nelson, Newhouse, Owen, Patterson, Pullen, Saling, Sellar, von Reichbauer, West - 23.

Excused: Senators Peterson, Zimmerman - 2.

REENGROSSED SUBSTITUTE SENATE BILL NO. 5059, having failed to receive the constitutional majority, was declared lost.

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

## MOTION

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

## SENATE RESOLUTION 1987-8607

by Senators Gaspard, Bottiger, Conner and von Reichbauer

WHEREAS, National Catholic School Week is being recognized this week of February 2, 1987; and

WHEREAS, Education is of paramount importance to the citizens of the state of Washington, and an essential tool in our economic, social and self being; and

WHEREAS, The Catholic Schools in the state of Washington have this year provided nearly thirty-three thousand people, from kindergarteners to doctoral candidates, with a sound, well-rounded and exemplary education; and

WHEREAS, The parents of Catholic School students have set an example for all parents as they have made a strong commitment to become an integral part of their child's education, unselfishly participating in a myriad of activities from assisting their own children with homework to working in the classroom to raising capital funds for their school, college, or university; and

WHEREAS, The high expectations set by the teachers and administrators of Catholic schools in Washington State have given their students the encouragement, direction, and inspiration to achieve their potential and more; and

WHEREAS, Success in academic pursuits, personal life and participation in the community are important goals of Washington State's Catholic School students;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate issue this Resolution in recognition of the high ideals and contributions of Washington State Catholic schools and their students, and share with them, this week of February 2, 1987, their pride and personal accomplishment as they celebrate with the rest of the nation National Catholic School Week.

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

## REPORT OF STANDING COMMITTEE

February 3, 1987

HJM 4000

Prime Sponsor, Representative Walk: Requesting Congress to enact a continuing Surface Transportation Assistance Act. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Vice Chairman; Tanner, Vice Chairman; Bailey, Barr, Bender, DeJarnatt, Garrett, Nelson, Patterson, Smitherman, von Reichbauer, West.

Passed to Committee on Rules for second reading.

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

## MOTIONS

On motion of Senator Vognild, the Committee on Parks and Ecology was relieved of further consideration of Senate Bill No. 5349.

On motion of Senator Vognild, Senate Bill No. 5349 was referred to the Committee on Agriculture.

On motion of Senator Vognild, the Committee on Governmental Operations was relieved of further consideration of Senate Bill No. 5530.

On motion of Senator Vognild, Senate Bill No. 5530 was referred to the Committee on Commerce and Labor.

On motion of Senator Vognild, the Committee on Governmental Operations was relieved of further consideration of Senate Bill No. 5505.

On motion of Senator Vognild, Senate Bill No. 5505 was referred to the Committee on Judiciary.

On motion of Senator Vognild, the Committee on Human Services and Corrections was relieved of further consideration of Senate Bill No. 5553.

On motion of Senator Vognild, Senate Bill No. 5553 was referred to the Committee on Judiciary.

On motion of Senator Vognild, the Committee on Human Services and Corrections was relieved of further consideration of Senate Bill No. 5554.

On motion of Senator Vognild, Senate Bill No. 5554 was referred to the Committee on Judiciary.

On motion of Senator Vognild, the Committee on Ways and Means was relieved of further consideration of Senate Bill No. 5531.

On motion of Senator Vognild, Senate Bill No. 5531 was referred to the Committee on Judiciary.

On motion of Senator Vognild, the Committee on Judiciary was relieved of further consideration of Senate Bill No. 5350.

On motion of Senator Vognild, Senate Bill No. 5350 was referred to the Committee on Commerce and Labor.

#### MOTION

At 12:55 p.m., on motion of Senator Vognild, the Senate adjourned until 12:00 noon, Thursday, February 5, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

**TWENTY-FIFTH DAY**

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NOON SESSION

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Senate Chamber, Olympia, Thursday, February 5, 1987

The Senate was called to order at 12:00 noon by President Cherberg. No roll call was taken.

The Sergeant at Arms Color Guard, consisting of Pages Sarah May and Seb Kimura, presented the Colors. Reverend David Steen, pastor of the Lutheran Church of the Good Shepherd of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 4, 1987

SB 5025 Prime Sponsor, Senator Talmadge: Revising provisions relating to confirmation of gubernatorial appointments. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5025 be substituted therefor, and the substitute bill do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Talmadge.

Passed to Committee on Rules for second reading.

February 4, 1987

SB 5033 Prime Sponsor, Senator Halsan: Adopting the uniform premarital agreement act. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Bottiger, McCaslin, Moore, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

February 3, 1987

SB 5047 Prime Sponsor, Senator Rasmussen: Issuing special license plates to spouses of deceased POW's. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5047 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Vice Chairman; Tanner, Vice Chairman; Bailey, Barr, Bender, Conner, DeJarnatt, Garrett, Halsan, Johnson, Nelson, Patterson, Sellar, Smitherman, von Reichbauer, West.

Passed to Committee on Rules for second reading.

February 4, 1987

SB 5083 Prime Sponsor, Senator Halsan: Providing a system of civil infractions. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5083 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Moore, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

February 4, 1987

SB 5088 Prime Sponsor, Senator Owen: Including court conferred visitation rights under protection of custodial interference statute. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5088 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Bottiger, McCaslin, Moore, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

February 4, 1987

SB 5199 Prime Sponsor, Senator Halsan: Establishing time limitation for port district boundary changes. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5199 be substituted therefor, and the substitute bill do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Talmadge.

Passed to Committee on Rules for second reading.

February 4, 1987

SB 5204 Prime Sponsor, Senator DeJarnatt: Authorizing more than one hospital superintendent. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Talmadge.

Passed to Committee on Rules for second reading.

February 3, 1987

SB 5210 Prime Sponsor, Senator Hansen: Prohibiting the relinquishment of water rights attached to lands enrolled in certain federal conservation reserve programs. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 5210 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Chairman; Anderson, Bailey, Barr, Gaspard.

Passed to Committee on Rules for second reading.

February 3, 1987

SB 5249 Prime Sponsor, Senator Talmadge: Clarifying payment of court filing fees. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5249 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Bottiger, McCaslin, Moore, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

February 4, 1987

SB 5264 Prime Sponsor, Senator Halsan: Establishing a disaster assistance fund. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Pullen, Talmadge.

Referred to Committee on Ways and Means.

February 4, 1987

SB 5315 Prime Sponsor, Senator Talmadge: Regulating wood stoves. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 5315 be substituted therefor, and the substitute bill do pass. Signed by Senators Kreidler, Chairman; Bluechel, Hansen, Kiskaddon.

Passed to Committee on Rules for second reading.

February 4, 1987

SB 5320 Prime Sponsor, Senator Owen: Requiring a study of state furniture purchases. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Bauer, Bluechel, Cantu, Hayner, Kreidler, Owen, Rasmussen, Saling, Talmadge, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 3, 1987

SB 5377 Prime Sponsor, Senator Wojahn: Creating a department of public health and environment. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5377 be substituted therefor, and the substitute bill do pass. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Deccio, Johnson, Kiskaddon, Tanner.

Passed to Committee on Rules for second reading.

February 4, 1987

SB 5389 Prime Sponsor, Senator Kreidler: Revising noise control requirements for local government. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 5389 be substituted therefor, and the substitute bill do pass. Signed by Senators Kreidler, Chairman; Bluechel, Hansen, Kiskaddon.

Passed to Committee on Rules for second reading.

February 4, 1987

SB 5437 Prime Sponsor, Senator McDermott: Authorizing the University of Washington to use revenue bonds to fund capital projects. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Bauer, Bluechel, Cantu, Hayner, Kreidler, McDonald, Owen, Rasmussen, Rinehart, Talmadge, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 4, 1987

SB 5474 Prime Sponsor, Senator Tanner: Establishing the distinguished professorship trust fund program. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Craswell, Patterson, Saling, Smitherman, Warnke.

Passed to Committee on Rules for second reading.

February 4, 1987

SB 5475 Prime Sponsor, Senator Gaspard: Establishing the Washington fund for excellence in higher education program. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Craswell, Patterson, Saling, Smitherman, Warnke.

Passed to Committee on Rules for second reading.

February 4, 1987

SJR 8201 Prime Sponsor, Senator Talmadge: Providing for special one-day sessions of the senate to confirm gubernatorial appointments. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Joint Resolution No. 8201 be substituted therefor, and the substitute resolution do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Pullen, Talmadge.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Vognild, Senate Bill No. 5249 was referred to the Committee on Ways and Means.

MESSAGES FROM THE HOUSE

February 4, 1987

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 22,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 258,

SUBSTITUTE HOUSE BILL NO. 259, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

February 4, 1987

Mr. President:

The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 4406, and is pleased to announce the appointment of Representative O'Brien, Representative Rust, Representative Nealey and Representative Brooks to serve with four members of the Senate on a Joint Committee to arrange for the Memorial Service scheduled for February 23, and House Concurrent Resolution No. 4406 is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 4406.

INTRODUCTION AND FIRST READING

SB 5559 by Senators Hansen, Bailey and Fleming

AN ACT Relating to crop liens and security interests; and amending RCW 60.11.050.

Referred to Committee on Agriculture.

SB 5560 by Senators Talmadge, Nelson, Halsan and Rasmussen (by request of Public Disclosure Commission)

AN ACT Relating to political advertising; amending RCW 42.17.530; and adding a new section to chapter 42.17 RCW.

Referred to Committee on Governmental Operations.

SB 5561 by Senators Warnke, Barr, Smitherman, Lee, Wojahn and Newhouse

AN ACT Relating to bonding and trust account requirements for auctioneers; and amending RCW 18.11.050.

Referred to Committee on Commerce and Labor.

SB 5562 by Senators Moore, Warnke, Bender and Metcalf

AN ACT Relating to escrow; adding a new chapter to Title 19 RCW; and creating a new section.

Referred to Committee on Financial Institutions.

SB 5563 by Senator Zimmerman

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

Referred to Committee on Natural Resources.

SB 5564 by Senator Zimmerman

AN ACT Relating to local housing authorities; and adding a new section to chapter 35.82 RCW.

Referred to Committee on Governmental Operations.

SB 5565 by Senators Kreidler, Lee and Bauer

AN ACT Relating to inventory control for certain fuel storage tanks of petroleum products; adding a new section to chapter 19.94 RCW; and creating a new section.

Referred to Committee on Parks and Ecology.

SB 5566 by Senators Fleming, Smitherman and Kiskaddon (by Office of Minority and Women's Business Enterprises)

AN ACT Relating to minority and women-owned business enterprises; amending RCW 39.19.080 and 39.19.090; adding new sections to chapter 39.19 RCW; and prescribing penalties.

Referred to Committee on Governmental Operations.

SB 5567 by Senators Fleming, Smitherman and Kiskaddon (by request of Office of Minority and Women's Business Enterprises)

AN ACT Relating to minority and women-owned business enterprises; amending RCW 39.19.010, 39.19.020, 39.19.030, and 39.19.070; and adding a new section to chapter 39.19 RCW.

Referred to Committee on Governmental Operations.

SB 5568 by Senators Wojahn, McDonald, Kreidler and Moore (by request of Department of Social and Health Services)

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

Referred to Committee on Human Services and Corrections.

SB 5569 by Senators Gaspard and Bender

AN ACT Relating to vocational education; amending RCW 28C.04.030; adding new sections to chapter 28C.04 RCW; repealing RCW 28C.04.230, 43.131.287, and 43.131.288; and declaring an emergency.

Referred to Committee on Education.

SB 5570 by Senators Kreidler, Bluechel, Bottiger and Stratton

AN ACT Relating to disposal of incinerator ash residues; amending RCW 70.105.130; adding a new section to chapter 70.105 RCW; and creating a new section.

Referred to Committee on Parks and Ecology.

SB 5571 by Senators Hansen, Fleming and Barr

AN ACT Relating to the grain indemnity fund for grain warehouse and dealer licenses; amending RCW 22.09.060, 22.09.090, 22.09.100, 22.09.570, and 22.09.610; adding new sections to chapter 22.09 RCW; and declaring an emergency.

Referred to Committee on Agriculture.

SB 5572 by Senator Moore

AN ACT Relating to the authority of utilities to collect amounts not billed due to utility error.

Referred to Committee on Energy and Utilities.

SB 5573 by Senators Gaspard, Zimmerman, Warnke, Kiskaddon, Garrett, Johnson, McDonald and Bauer

AN ACT Relating to participation and communication on public issues as part of the centennial observance by organizations and citizens; adding new sections to chapter 43.63A RCW; and providing an expiration date.

Referred to Committee on Governmental Operations.

SB 5574 by Senators Kreidler, Bluechel and Smitherman

AN ACT Relating to the periodic pumping of onsite sewage disposal systems; and adding a new section to chapter 70.118 RCW.

Referred to Committee on Parks and Ecology.

SB 5575 by Senators Kreidler, Talmadge and Rinehart

AN ACT Relating to disposal of material into Puget Sound; adding new sections to chapter 90.58 RCW; and declaring an emergency.

Referred to Committee on Parks and Ecology.

SB 5576 by Senators Talmadge, Halsan, Nelson, Bottiger and McCaslin (by request of Department of Corrections)

AN ACT Relating to community corrections; amending RCW 72.09.050 and 72.65.080; adding new sections to chapter 72.09 RCW; and creating a new section.

Referred to Committee on Judiciary.

SB 5577 by Senators Halsan, Talmadge, McCaslin, Bottiger and Moore (by request of Department of Corrections)

AN ACT Relating to community custody; amending RCW 9.94A.030, 72.09.020, and 9.94A.170; reenacting and amending RCW 9.94A.120; adding new sections to chapter 9.94A RCW; adding new sections to chapter 72.09 RCW; creating a new section; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5578 by Senator Metcalf

AN ACT Relating to driver training schools; and amending RCW 46.82.360.

Referred to Committee on Transportation.

SB 5579 by Senators McDermott and Lee

AN ACT Relating to unfunded retirement system liabilities; and amending RCW 41.26.040, 41.26.080, 41.32.401, and 41.40.361.

Referred to Committee on Ways and Means.

SB 5580 by Senators Lee and Patterson

AN ACT Relating to the powers of counties, cities, and towns; amending RCW 84.52.043; and creating a new section.

Referred to Committee on Ways and Means.

SB 5581 by Senators Moore, Warnke, Barr, Williams, West, Sellar, Vognild, Benitz and Tanner

AN ACT Relating to beer retailers; and amending RCW 66.24.360.

Referred to Committee on Commerce and Labor.

SB 5582 by Senators Bender, Moore, West, McCaslin, DeJarnatt and Vognild

AN ACT Relating to local government building codes; and amending RCW 19.27.040, 19.27.060, and 19.27.074.

Referred to Committee on Governmental Operations.

SB 5583 by Senators Wojahn, Lee and Anderson (by request of Department of Labor and Industries)

AN ACT Relating to notices of assessment by the department of labor and industries; and amending RCW 51.48.131.

Referred to Committee on Commerce and Labor.

SB 5584 by Senators Tanner, Lee and Anderson (by request of Department of Labor and Industries)

AN ACT Relating to penalties for inaccurate reports and claims made to the department of labor and industries; amending RCW 51.48.020; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SB 5585 by Senators Warnke, Cantu, Tanner, Rasmussen, Bailey and Bauer (by request of Office of Financial Management)

AN ACT Relating to implementation by state agencies of a unified system for business identification, reporting, and compliance; amending RCW 50.12.220, 50.24.040, 50.24.070,

50.24.110, 50.32.030, 51.16.190, 51.48.210, and 18.27.030; creating new sections; and providing an effective date.

Referred to Committee on Commerce and Labor.

**SB 5586** by Senators Lee, Tanner, West and Bauer (by request of Department of Labor and Industries)

AN ACT Relating to hours of labor; and repealing RCW 49.28.010, 49.28.020, 49.28.030, 49.28.040, 49.28.050, and 49.28.060.

Referred to Committee on Commerce and Labor.

**SB 5587** by Senators Kreidler, Talmadge, Rinehart, Lee and Hansen (by request of Puget Sound Water Quality Authority)

AN ACT Relating to on-site sewage disposal systems; and adding a new chapter to Title 90 RCW.

Referred to Committee on Parks and Ecology.

**SB 5588** by Senators Smitherman, Fleming, Sellar, Lee, Warnke, Bailey and Bauer

AN ACT Relating to small business loans; adding a new section to chapter 19.52 RCW; adding a new section to chapter 42.17 RCW; adding a new chapter to Title 43 RCW; and making an appropriation.

Referred to Committee on Commerce and Labor.

**SB 5589** by Senators Fleming, Smitherman, West, Wojahn and Warnke

AN ACT Relating to investment opportunities; adding new sections to chapter 43.63A RCW; adding a new section to chapter 42.17 RCW; and making an appropriation.

Referred to Committee on Commerce and Labor.

**SB 5590** by Senators Kreidler, Talmadge, Rinehart, Bluechel and Lee (by request of Puget Sound Water Quality Authority)

AN ACT Relating to laboratory certification by the department of ecology; and adding a new section to chapter 43.21A RCW.

Referred to Committee on Parks and Ecology.

**SB 5591** by Senators Talmadge, Kreidler, Rinehart, Lee and Fleming (by request of Puget Sound Water Quality Authority)

AN ACT Relating to penalties for violations of water pollution control statutes; amending RCW 90.48.140; and prescribing penalties.

Referred to Committee on Parks and Ecology.

**SB 5592** by Senators Tanner, McCaslin and Garrett

AN ACT Relating to municipal court; and amending RCW 3.50.040.

Referred to Committee on Judiciary.

**SB 5593** by Senators Wojahn, Talmadge, Fleming and McDermott

AN ACT Relating to public assistance; creating new sections; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Human Services and Corrections.

**SB 5594** by Senators Hansen, Barr, Bauer, Deccio and Newhouse

AN ACT Relating to water rights claims; amending RCW 90.14.043; and adding a new section to chapter 90.04 RCW.

Referred to Committee on Agriculture.

**SJR 8213** by Senators Zimmerman and Bailey

Revising the legislative powers of the governor.

Referred to Committee on Governmental Operations.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 22 by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Fisher, Wang, Hine, Heavey, P. King, Wineberry and Belcher)

Revising voter registration periods.

Referred to Committee on Governmental Operations.

ESHB 258 by Committee on Health Care (originally sponsored by Representatives Braddock, Brooks, Lewis, Moyer, Lux, D. Sommers, Sprenkle and Unsoeld) (by request of Department of Social and Health Services)

Changing provisions relating to public health fees.

Referred to Committee on Human Services and Corrections.

SHB 259 by Committee on Health Care (originally sponsored by Representatives Braddock and Lux) (by request of Department of Social and Health Services)

Modifying provisions governing water recreation.

Referred to Committee on Human Services and Corrections.

## MOTION

At 12:08 p.m., on motion of Senator Vognild, the Senate adjourned until 11:00 a.m., Friday, February 6, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

**TWENTY-SIXTH DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Friday, February 6, 1987

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Peterson, Stratton, Tanner and Zimmerman. On motion of Senator Metcalf, Senator Zimmerman was excused. On motion of Senator Bender, Senators Peterson and Stratton were excused.

The Sergeant at Arms Color Guard, consisting of Pages Jackie Stoner and Mike Helland, presented the Colors. Reverend David Steen, pastor of the Lutheran Church of the Good Shepherd of Olympia, offered the prayer.

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

February 4, 1987

SB 5031 Prime Sponsor, Senator Owen: Extending protection to government employees who report improper activity to a state legislator. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5031 be substituted therefor, and the substitute bill do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Pullen, Talmadge.

Passed to Committee on Rules for second reading.

February 5, 1987

SB 5079 Prime Sponsor, Senator Talmadge: Restricting admissibility of evidence arising out of mediations. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5079 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Bottiger, McCaslin, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

February 5, 1987

SB 5081 Prime Sponsor, Senator Bluechel: Reestablishing the winter recreation commission. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 5081 be substituted therefor, and the substitute bill do pass. Signed by Senators Kreidler, Chairman; Bluechel, Hansen, Kiskaddon.

Passed to Committee on Rules for second reading.

February 5, 1987

SB 5098 Prime Sponsor, Senator Halsan: Exempting seedlings and plantation Christmas trees from excise tax. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Cantu, Lee, McDonald, Moore, Owen, Rasmussen, Rinehart, Talmadge, Vognild, Warnke, Williams.

Passed to Committee on Rules for second reading.

February 4, 1987

SB 5122 Prime Sponsor, Senator Owen: Providing for a demonstration and study of salmon pen aquaculture. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5122 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; Conner, Craswell, McDonald, Patterson, Stratton.

Passed to Committee on Rules for second reading.

February 5, 1987

SB 5156 Prime Sponsor, Senator Bluechel: Exempting class AA counties from state flood controls. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 5156 be substituted therefor, and the substitute bill do pass. Signed by Senators Kreidler, Chairman; Rinehart, Vice Chairman; Bluechel, Hansen, Kiskaddon.

Passed to Committee on Rules for second reading.

February 5, 1987

SB 5196 Prime Sponsor, Senator Moore: Providing civil immunity for certain actions relating to insurance. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 5196 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Fleming, McDermott, Metcalf, Pullen, von Reichbauer.

Passed to Committee on Rules for second reading.

February 4, 1987

SB 5245 Prime Sponsor, Senator Peterson: Expanding use of reflectorized warnings on disabled vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Vice Chairman; Tanner, Vice Chairman; Bailey, Bender, DeJarnatt, Garrett, Halsan, Nelson, Patterson, Smitherman, von Reichbauer, West.

Passed to Committee on Rules for second reading.

February 4, 1987

SB 5253 Prime Sponsor, Senator Wojahn: Changing provisions relating to displaced homemakers. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5253 be substituted therefor, and the substitute bill do pass. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Tanner.

Passed to Committee on Rules for second reading.

February 4, 1987

SB 5277 Prime Sponsor, Senator Peterson: Requiring vehicle license plates to be treated with fully reflectorized materials. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Vice Chairman; Tanner, Vice Chairman; Bailey, Barr, Bender, DeJarnatt, Garrett, Halsan, Nelson, Patterson, Smitherman, von Reichbauer, West.

Passed to Committee on Rules for second reading.

February 5, 1987

SB 5278 Prime Sponsor, Senator Tanner: Requiring inclusion of military retirement pay as community property in the modification of community property settlements that were entered into between June 25, 1981, and January 31, 1983. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5278 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Bottiger, McCaslin.

Passed to Committee on Rules for second reading.

February 4, 1987

SB 5311 Prime Sponsor, Senator Barr: Restricting liability of department of natural resources to volunteer fire fighters. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5311 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; DeJarnatt, Vice Chairman; Barr, Craswell, McDonald, Metcalf, Patterson, Stratton.

Passed to Committee on Rules for second reading.

February 4, 1987

SB 5318 Prime Sponsor, Senator Pullen: Clarifying fire districts' authority regarding burning permits when the clean air act is involved. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5318 be substituted therefor, and the substitute bill do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Pullen, Talmadge.

Passed to Committee on Rules for second reading.

February 4, 1987

SB 5340 Prime Sponsor, Senator Stratton: Changing provisions relating to public health fees. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5340 be substituted therefor, and the substitute bill do pass. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Tanner.

Passed to Committee on Rules for second reading.

February 4, 1987

SB 5499 Prime Sponsor, Senator Wojahn: Revising provisions on state institutional purchasing. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Tanner.

Passed to Committee on Rules for second reading.

February 5, 1987

SB 5556 Prime Sponsor, Senator Kreidler: Changing provisions relating to floodplain management. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass. Signed by Senators Kreidler, Chairman; Rinehart, Vice Chairman; Bluechel, Kiskaddon.

Passed to Committee on Rules for second reading.

February 5, 1987

SJM 8001 Prime Sponsor, Senator Rasmussen: Petitioning Congress and the President to deny a rate increase for the Bonneville Power Administration. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Joint Memorial No. 8001 be substituted therefor, and the substitute memorial do pass. Signed by Senators Williams, Chairman; Owen, Vice Chairman; Benitz, Cantu, Nelson, Smitherman, Stratton.

Passed to Committee on Rules for second reading.

February 5, 1987

SJM 8005 Prime Sponsor, Senator Williams: Petitioning Congress and the President to prohibit the sale of BPA. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Williams, Chairman; Owen, Vice Chairman; Benitz, Cantu, Nelson, Smitherman.

Passed to Committee on Rules for second reading.

## INTRODUCTION AND FIRST READING

SB 5595 by Senator Kreidler

AN ACT Relating to self-service storage facilities; amending RCW 18.11.070 and 18.85.110; and adding a new chapter to Title 19 RCW.

Referred to Committee on Commerce and Labor.

SB 5596 by Senators Vognild, Bailey, Moore, Rasmussen and Stratton

AN ACT Relating to the crime of vagrancy; and amending RCW 9A.84.030.

Referred to Committee on Judiciary.

SB 5597 by Senators Vognild and Moore

AN ACT Relating to schools offering cosmetology, barbering, or manicuring instruction; and amending RCW 18.16.140.

Referred to Committee on Commerce and Labor.

SB 5598 by Senators Vognild, Metcalf, Bailey, Conner, Moore, Bender, Wojahn, Rasmussen, Bauer and Kiskaddon

AN ACT Relating to the distribution of grants to counties under the community mental health services act; amending RCW 71.24.035; providing an effective date; and declaring an emergency.

Referred to Committee on Human Services and Corrections.

SB 5599 by Senators Owen, Wojahn and Kreidler

AN ACT Relating to domestic water suppliers; adding new sections to chapter 43.20 RCW; and declaring an emergency.

Referred to Committee on Human Services and Corrections.

SB 5600 by Senators Warnke, Lee, Vognild, Smitherman, Johnson, Bottiger, Gaspard and von Reichbauer

AN ACT Relating to unfair practices by mobile home landlords and tenants; and adding a new section to chapter 59.20 RCW.

Referred to Committee on Commerce and Labor.

SB 5601 by Senators Warnke and Bender

AN ACT Relating to mobile home rent control; amending RCW 59.20.070; adding a new chapter to Title 59 RCW; adding a new section to chapter 34.12 RCW; providing an expiration date; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 5602 by Senators Warnke, Smitherman, Vognild, Bottiger, Gaspard and Bender

AN ACT Relating to the sale of mobile homes and mobile home parks; and adding a new chapter to Title 64 RCW.

Referred to Committee on Commerce and Labor.

SB 5603 by Senators Kreidler, Deccio and Stratton

AN ACT Relating to developmental disability community services; amending RCW 71.30.010, 71.30.020, and 71.30.030; and adding new sections to chapter 71.30 RCW.

Referred to Committee on Human Services and Corrections.

SB 5604 by Senators Vognild, Nelson, Bottiger, Rasmussen, Owen, Craswell, Bailey, Benitz, Hayner and Johnson (by request of Governor Gardner and Commissioner of Public Lands)

AN ACT Relating to conveyance of state-owned aquatic lands and the relocation of harbor lines for the purpose of assisting the siting of a United States Navy base in Everett; and adding a new chapter to Title 79 RCW.

Referred to Committee on Natural Resources.

SB 5605 by Senators Peterson, Conner, Patterson, Rasmussen and Garrett (by request of Department of Licensing)

AN ACT Relating to proportional registration of motor vehicles; amending RCW 46.12.020, 46.16.040, 46.16.070, 46.16.085, 46.16.111, 46.16.160, 46.16.280, 46.85.010, 46.85.020, 46.85.030, 46.85.050, 46.85.090, 46.85.100, 46.85.130, 46.87.010, 46.87.020, 46.87.030, 46.87.040, 46.87.050, 46.87.060, 46.87.070, 46.87.080, 46.87.090, 46.63.020, and 82.44.170; adding new sections to chapter 46.87 RCW; repealing RCW 46.85.120, 46.85.125, 46.85.130, 46.85.140, 46.85.145, 46.85.150, 46.85.160, 46.85.170, 46.85.180, 46.85.190, 46.85.200, 46.85.210, 46.85.220, 46.85.270, 46.85.280, 46.85.290, 46.85.300, 46.85.310, 46.85.320, 46.85.330, 46.85.340, 46.85.350, 46.85.360, 46.85.370, 46.85.380, and 46.85.390; prescribing penalties; and providing effective dates.

Referred to Committee on Transportation.

SB 5606 by Senators McDermott, McDonald and Rasmussen (by request of Office of Financial Management)

AN ACT Relating to budget and accounting; amending RCW 43.88.020, 43.88.037, 43.88.050, 43.88.110, 43.88.120, 82.32.400, 82.32.090, 82.01.120, and 82.01.130; reenacting and amending RCW 43.88.030; repealing RCW 43.88.040; and providing an effective date.

Referred to Committee on Ways and Means.

SB 5607 by Senators Moore, Kiskaddon, Conner, Bender, Patterson and Peterson

AN ACT Relating to dental hygienists; amending RCW 18.29.020, 18.29.031, 18.29.050, 18.29.060, and 18.29.070; adding new sections to chapter 18.29 RCW; adding new sections to chapter 43.131 RCW; creating a new section; and repealing RCW 18.29.075, 18.29.080, 18.29.090, 18.29.100, 18.29.005, 18.29.020, 18.29.031, 18.29.040, 18.29.050, 18.29.056, 18.29.060, 18.29.070, 18.29.900, 18.29.910, 18.29.---, 18.29.---, 18.29.---, and 18.29.---

Referred to Committee on Human Services and Corrections.

SB 5608 by Senators Kreidler and Hansen

AN ACT Relating to abused and injured animals; amending RCW 16.52.085; adding new sections to chapter 16.52 RCW; and prescribing penalties.

Referred to Committee on Agriculture.

SB 5609 by Senators Warnke, Smitherman, Newhouse, Deccio, Hayner, Garrett, Nelson and Vognild

AN ACT Relating to cigarette wholesalers and retailers; amending RCW 19.91.010 and 19.91.030; repealing RCW 82.24.500, 82.24.510, 82.24.520, 82.24.530, 82.24.540, 82.24.550, 82.24.560, and 19.91.300; repealing section 1, chapter 321, Laws of 1986 (uncodified); repealing section 11, chapter 321, Laws of 1986 (uncodified); and repealing section 14, chapter 321, Laws of 1986 (uncodified).

Referred to Committee on Ways and Means.

SB 5610 by Senators Anderson, Vognild, Cantu, Lee, Warnke, McDonald and Johnson (by request of Department of Labor and Industries)

AN ACT Relating to industrial insurance premiums; and repealing RCW 51.16.050.

Referred to Committee on Commerce and Labor.

SB 5611 by Senators Warnke, Newhouse, Vognild, Cantu, Lee, Smitherman, Johnson, Wojahn, Williams and Garrett (by request of Joint Select Committee on Industrial Insurance and Department of Labor and Industries)

AN ACT Relating to industrial insurance disability benefits; amending RCW 51.32.050, 51.32.090, 51.32.180, and 51.32.080; reenacting and amending RCW 51.32.060; reenacting RCW 51.32.090; and providing an effective date.

Referred to Committee on Commerce and Labor.

SB 5612 by Senators Smitherman, West and Wojahn (by request of Department of Labor and Industries)

AN ACT Relating to industrial insurance coverage; and amending RCW 51.12.020.

Referred to Committee on Commerce and Labor.

SB 5613 by Senators Smitherman, West and Williams (by request of Department of Labor and Industries)

AN ACT Relating to collection of wages; amending RCW 49.48.040; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SB 5614 by Senator Kreidler (by request of Department of Social and Health Services)

AN ACT Relating to the long-term care ombudsman program; amending RCW 43.190.010, 43.190.020, 43.190.050, 43.190.070, 43.190.080, 43.190.090, 43.190.100, and 43.190.110; adding new sections to chapter 43.190 RCW; creating a new section; and repealing RCW 43.190.030, 43.190.040, 43.190.060, and 43.190.120.

Referred to Committee on Human Services and Corrections.

SB 5615 by Senators Gaspard, Bailey, Barr, Lee, Smitherman, Saling, Warnke, Wojahn, Bauer, Rinehart, Talmadge, Bender, Benitz, Patterson and Newhouse

AN ACT Relating to industrial arts; and adding new sections to chapter 28A.03 RCW.

Referred to Committee on Education.

SB 5616 by Senators Fleming and Williams (by request of Joint Select Committee on Unemployment Insurance and Compensation and Employment Security Department)

AN ACT Relating to unemployment insurance coverage for service performed in agricultural employment; creating a new section; repealing RCW 50.04.150 and 50.04.155; and providing an effective date.

Referred to Committee on Commerce and Labor.

SB 5617 by Senator Smitherman (by request of Employment Security Department)

AN ACT Relating to unemployment insurance; amending RCW 50.20.070, 50.20.160, 50.20.190, and 50.24.115; adding a new section to chapter 50.20 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 5618 by Senator Smitherman (by request of Employment Security Department)

AN ACT Relating to unemployment insurance experience rating for employers; amending RCW 50.29.010; reenacting and amending RCW 50.29.020; creating a new section; repealing RCW 50.29.022; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 5619 by Senator Smitherman (by request of Employment Security Department)

AN ACT Relating to service for the unemployed; amending RCW 50.62.010, 50.62.030, 50.29.025, and 50.24.014; creating a new section; repealing section 14, chapter 5, Laws of 1985 ex. sess. (uncodified); and making an appropriation.

Referred to Committee on Commerce and Labor.

SB 5620 by Senators Gaspard and Smitherman (by request of Superintendent of Public Instruction)

AN ACT Relating to school financing; amending RCW 84.52.0531; and adding a new section to chapter 28A.41 RCW.

Referred to Committee on Education.

SB 5621 by Senators Gaspard, Saling, Bauer, Bender, Smitherman and Johnson (by request of Superintendent of Public Instruction and State Board of Education)

AN ACT Relating to common school capital projects; authorizing the issuance of general obligation bonds; adding new sections to chapter 28A.47 RCW; and declaring an emergency.

Referred to Committee on Education.

SB 5622 by Senators Gaspard, Smitherman, Bauer and Bender (by request of Superintendent of Public Instruction and State Board of Education)

AN ACT Relating to teachers; amending section 1, chapter 399, Laws of 1985 (uncodified); adding a new section to chapter 28A.67 RCW; repealing section 3, chapter 399, Laws of 1985 (uncodified); declaring an emergency; and providing an effective date.

Referred to Committee on Education.

SB 5623 by Senators Bauer, Saling, Bender, Smitherman and Johnson (by request of Superintendent of Public Instruction)

AN ACT Relating to dropouts; adding new sections to chapter 28A.03 RCW; and repealing RCW 28A.03.380.

Referred to Committee on Education.

SB 5624 by Senators Gaspard, Smitherman, Bauer, Bender, von Reichbauer and Garrett (by request of Superintendent of Public Instruction)

AN ACT Relating to basic education; and amending RCW 28A.41.140.

Referred to Committee on Education.

SB 5625 by Senators Gaspard and Bauer (by request of Superintendent of Public Instruction and State Board of Education)

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

Referred to Committee on Education.

SB 5626 by Senators Gaspard, Bender, Bauer, Rasmussen and von Reichbauer (by request of Superintendent of Public Instruction and State Board of Education)

AN ACT Relating to school facilities; adding a new section to chapter 28A.03 RCW; and making an appropriation.

Referred to Committee on Education.

SB 5627 by Senators Gaspard, Saling, Bauer, Bender, Smitherman and von Reichbauer (by request of Superintendent of Public Instruction)

AN ACT Relating to the state clearinghouse for educational information revolving fund; and adding a new section to chapter 28A.03 RCW.

Referred to Committee on Education.

SB 5628 by Senators Bauer, Smitherman, Bender and Johnson (by request of Superintendent of Public Instruction)

AN ACT Relating to drug education; and adding new sections to Title 28A RCW.

Referred to Committee on Education.

SB 5629 by Senators Bauer and Smitherman (by request of Superintendent of Public Instruction)

AN ACT Relating to education; and adding new sections to Title 28A RCW.

Referred to Committee on Education.

SB 5630 by Senators Gaspard, Smitherman and Bauer (by request of Superintendent of Public Instruction and State Board of Education)

AN ACT Relating to teacher preparation; adding a new section to chapter 28A.03 RCW; adding a new section to chapter 28A.04 RCW; adding a new section to chapter 28A.67 RCW; adding a new section to chapter 28A.70 RCW; and creating new sections.

Referred to Committee on Education.

SB 5631 by Senators Smitherman, Gaspard and Bauer (by request of Superintendent of Public Instruction and State Board of Education)

AN ACT Relating to teacher recruitment; and adding new sections to Title 28A RCW.

Referred to Committee on Education.

SB 5632 by Senators Bauer, Gaspard and von Reichbauer (by request of Superintendent of Public Instruction)

AN ACT Relating to the learning assistance program; adding new sections to Title 28A RCW; and repealing RCW 28A.41.400, 28A.41.402, 28A.41.404, 28A.41.406, 28A.41.408, 28A.41.410, and 28A.41.414.

Referred to Committee on Education.

SB 5633 by Senator DeJarnatt (by request of Secretary of State)

AN ACT Relating to voter registration; adding a new chapter to Title 29 RCW; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 5634 by Senators Talmadge, Newhouse, Nelson, Smitherman, Halsan and Rasmussen (by request of Department of Labor and Industries)

AN ACT Relating to compensation for victims of crimes; and amending RCW 7.68.020 and 7.68.070.

Referred to Committee on Judiciary.

SB 5635 by Senators West, Smitherman and Anderson (by request of Department of Labor and Industries)

AN ACT Relating to industrial insurance payments and penalties; amending RCW 51.36.080 and 51.48.270; prescribing an effective date; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 5636 by Senators West and Anderson (by request of Department of Labor and Industries)

AN ACT Relating to payment of fees and charges for self-insureds; and adding a new section to chapter 51.36 RCW.

Referred to Committee on Commerce and Labor.

SB 5637 by Senators West and Smitherman (by request of Department of Labor and Industries)

AN ACT Relating to electrical licensing; amending RCW 19.28.070, 19.28.125, 19.28.550, and 19.28.610; and making an appropriation.

Referred to Committee on Commerce and Labor.

SB 5638 by Senator Halsan (by request of Department of Labor and Industries)

AN ACT Relating to explosives; amending RCW 70.74.010, 70.74.030, 70.74.061, 70.74.110, 70.74.130, and 70.74.135; adding new sections to chapter 70.74 RCW; repealing RCW 70.74.137, 70.74.140, 70.74.142, 70.74.220, and 70.74.290; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SB 5639 by Senators Williams and Warnke (by request of Department of Community Development)

AN ACT Relating to historic preservation; amending RCW 79.01.004 and 79.01.612; adding a new chapter to Title 27 RCW; adding a new section to chapter 43.82 RCW; and creating a new section.

Referred to Committee on Commerce and Labor.

**SB 5640** by Senators Lee and Warnke (by request of Department of Community Development)

AN ACT Relating to private activity bond allocation; adding new sections to chapter 39.86 RCW; creating new sections; repealing RCW 39.86.010, 39.86.020, 39.86.030, 39.86.031, 39.86.040, 39.86.050, 39.86.060, 39.86.070, 39.86.900, 39.86.901, 39.86.902, 39.86.903, and 39.86.904; making an appropriation; and declaring an emergency.

Referred to Committee on Commerce and Labor.

**SB 5641** by Senators Stratton, McDonald and DeJarnatt (by request of Department of Game)

AN ACT Relating to fishing licenses; and amending RCW 77.32.230.

Referred to Committee on Natural Resources.

**SB 5642** by Senators Gaspard and Saling (by request of Superintendent of Public Instruction)

AN ACT Relating to food services programs administered through the office of the superintendent of public instruction; and adding a new chapter to Title 28A RCW.

Referred to Committee on Education.

**SB 5643** by Senator Williams (by request of Washington Centennial Commission)

AN ACT Relating to the Washington centennial Pacific celebration; creating new sections; and providing an expiration date.

Referred to Committee on Governmental Operations.

**SB 5644** by Senators Halsan and Rasmussen (by request of Secretary of State)

AN ACT Relating to ballot titles of state and local measures; amending RCW 29.27-.050, 29.27.060, 29.27.065, 29.27.067, 29.79.040, 29.79.060, and 29.79.070; adding a new section to chapter 29.27 RCW; and declaring an emergency.

Referred to Committee on Governmental Operations.

**SB 5645** by Senators Warnke, Newhouse and Vognild (by request of Department of Labor and Industries)

AN ACT Relating to surety bond security; and amending RCW 19.30.040, 19.30.045, 19.30.081, 19.30.160, and 19.30.170.

Referred to Committee on Commerce and Labor.

**SB 5646** by Senators Garrett, Saling, Gaspard, Bauer, Conner, Bender, Lee, Rasmussen, Vognild, Kiskaddon, Nelson and West

AN ACT Relating to cost-of-living adjustments of retirement benefits; amending RCW 41.32.485, 41.40.198, 41.32.350, and 41.40.330; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.40 RCW; adding a new section to chapter 41.50 RCW; creating a new section; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

**SB 5647** by Senators Garrett, Peterson and Barr

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

Referred to Committee on Transportation.

**SB 5648** by Senators Smitherman, Garrett and Barr

AN ACT Relating to pilotage; amending RCW 88.16.070; and declaring an emergency.

Referred to Committee on Transportation.

**SB 5649** by Senators Peterson, Conner, Hansen and Garrett

AN ACT Relating to pilotage; amending RCW 88.16.010, 88.16.035, 88.16.040, 88.16-.050, 88.16.118, 88.16.120, and 88.16.150; and adding a new section to chapter 88.16 RCW.

Referred to Committee on Transportation.

**SB 5650** by Senators Conner, Peterson, Garrett and Barr

AN ACT Relating to pilot qualifications; and amending RCW 88.16.035, 88.16.090, and 88.16.105.

Referred to Committee on Transportation.

SB 5651 by Senators Tanner, Bender, Smitherman, Bauer, Rasmussen, Vognild and Warnke

AN ACT Relating to property taxation; and amending RCW 84.36.381.

Referred to Committee on Ways and Means.

SB 5652 by Senator Bender

AN ACT Relating to gambling activities conducted by bowling establishments; and reenacting and amending RCW 9.46.030.

Referred to Committee on Commerce and Labor.

SB 5653 by Senators Bender and Vognild

AN ACT Relating to game and game fish; and amending RCW 77.32.230.

Referred to Committee on Natural Resources.

SB 5654 by Senators Talmadge, Moore, Bottiger, Deccio, Nelson and Rasmussen (by request of Department of Corrections)

AN ACT Relating to criminal sentencing; amending RCW 9.94A.110, 9.94A.150, 9.94A.170, 9.94A.200, 9.94A.380, 9.94A.383, 9.94A.400, 9.92.060, 9.95.200, and 9.95.210; reenacting and amending RCW 9.94A.120; creating a new section; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5655 by Senators Wojahn, Johnson, Kiskaddon and Stratton (by request of Secretary of State)

AN ACT Relating to the restoration of civil rights; and adding a new section to chapter 9.96 RCW.

Referred to Committee on Human Services and Corrections.

SB 5656 by Senators Kreidler and West (by request of Department of Labor and Industries)

AN ACT Relating to the right-to-know advisory council; and amending RCW 49.70.120.

Referred to Committee on Parks and Ecology.

SB 5657 by Senators Warnke, Vognild, Smitherman, Rasmussen and Talmadge

AN ACT Relating to unemployment compensation during labor disputes; amending RCW 50.20.090; reenacting and amending RCW 50.29.020; creating a new section; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SJM 8006 by Senators Hansen, Patterson, Garrett, DeJarnatt, Bender, Tanner, Nelson, West and Smitherman

Petitioning the United States Department of Transportation to develop guidelines for implementing the Motor Carrier Safety Act.

Referred to Committee on Transportation.

SCR 8407 by Senators Moore, Anderson, Lee, Warnke, Vognild, Smitherman and Wojahn (by request of Joint Select Committee on Industrial Insurance)

Establishing a joint select committee on vocational rehabilitation.

Referred to Committee on Commerce and Labor.

MOTION

Senator Vognild moved that all bills on the Introduction and First Reading list be referred as listed, with the exception of Senate Bill No. 5657.

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

The President declared the question before the Senate to be the roll call on adoption of the motion by Senator Vognild that all bills on the Introduction and First Reading list be referred as listed, with the exception of Senate Bill No. 5657.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Vognild failed by the following vote: Yeas, 22; nays, 23; absent, 1; excused, 3.

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

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, von Reichbauer, West - 23.

Absent: Senator Tanner - 1.

Excused: Senators Peterson, Stratton, Zimmerman - 3.

#### MOTION

On motion of Senator Bottiger, all bills as listed on the Introduction and First Reading list were referred as listed.

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

#### MOTIONS

Senator Fleming moved that the remarks of Senator Jack Metcalf on final passage of Reengrossed Substitute Senate Bill No. 5059 on February 4, 1987, be included in the journal.

Senator Sellar moved that all the remarks on Reengrossed Substitute Senate Bill No. 5059 on February 4, 1987, be included in the journal.

The President declared the question before the Senate to be the motion by Senator Sellar that the remarks of all Senators on Reengrossed Substitute Senate Bill No. 5059 on February 4, 1987, be included in the journal.

The motion by Senator Sellar carried.

The Senate proceedings on Reengrossed Substitute Senate Bill No. 5059 for February 4, 1987, will be included in the journal verbatim.

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

#### SECOND READING

SENATE BILL NO. 5085, by Senators Talmadge, Newhouse, Hansen, Sellar, Vognild and Barr

Revising provisions relating to warehousemen's liens.

The bill was read the second time.

#### MOTIONS

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

On page 1, line 9, strike "processing, handling."

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 5085 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5085.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5085 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

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

Excused: Senators Peterson, Stratton, Zimmerman - 3.

ENGROSSED SENATE BILL NO. 5085, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5020, by Senators McCaslin, Lee, West and Stratton

Authorizing creation of five-member board of county commissioners.

## MOTIONS

On motion of Senator Halsan, Substitute Senate Bill No. 5020 was substituted for Senate Bill No. 5020 and the substitute bill was placed on second reading and read the second time.

Senator McCaslin moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 36.32.010, chapter 4, Laws of 1963 and RCW 36.32.010 are each amended to read as follows:

There is established in each (~~organized~~) county in this state a board of county commissioners (~~to~~). Except as provided in section 3 of this act, each county legislative authority shall consist of three qualified electors, ((and)) two of ((said board of commissioners)) whom shall constitute a quorum to do business.

Sec. 2. Section 36.32.020, chapter 4, Laws of 1963 as last amended by section 4, chapter 226, Laws of 1982 and RCW 36.32.020 are each amended to read as follows:

Except as provided in section 3 of this act, the board of county commissioners of each county shall divide their county into three commissioner districts so that each district shall comprise as nearly as possible one-third of the population of the county ((-PROVIDED, That)). The territory comprised in any voting precincts of such districts shall remain compact, and shall not be divided by the lines of (~~said~~) the districts.

However, the commissioners of any county composed entirely of islands and with a population of less than thirty-five thousand may divide their county into three commissioner districts without regard to population, except that if any single island is included in more than one district, the districts on (~~such~~) that island shall comprise, as nearly as possible, equal populations.

The lines of the districts shall not be changed oftener than once in four years and only when a full board of commissioners is present. The districts shall be designated as districts numbered one, two, and three.

NEW SECTION. Sec. 3. A new section is added to chapter 36.32 RCW to read as follows:

The legislative authority of any noncharter county with a population greater than two hundred ten thousand may be increased to five members. An increase in legislative authority membership must be approved by a majority of county voters voting upon the proposition in a general election. The proposition may be submitted at any general election by resolution of the county commissioners or upon petition of the county voters equal to at least ten percent of the voters voting at the last county general election. The resolution calling for a vote on the proposition must be approved at least sixty days before the general election.

Any petition requesting that such an election be held shall be submitted to the county auditor for verification of the signatures thereon. Within no more than thirty days after the submission of the petition, the auditor shall determine if the petition contains the requisite number of valid signatures. The auditor shall certify whether or not the petition has been signed by the requisite number of county voters and forward such petition to the county legislative authority. If the petition has been signed by the requisite number of county voters, the county legislative authority shall submit such a proposition to the voters for their approval or rejection at the next general election held at least sixty days after the proposition has been certified by the auditor.

If the proposition receives majority voter approval, the size of the county legislative authority shall be increased to five positions, three of which shall constitute a quorum to do business.

The two newly-created positions shall be filled at elections to be held in the next year. The county shall, as provided in this section, be divided into five legislative authority districts, so that each district shall comprise as nearly as possible one-fifth of the population of the county. No two members of the existing county legislative authority may, at the time of the designation of such districts, permanently reside in one of the five districts. The division of the county into five districts shall be accomplished as follows:

(1) The county legislative authority shall, by the second Monday of March of that year, adopt a resolution creating the districts;

(2) If by the second Tuesday of March of that year the county legislative authority has failed to create the districts, the prosecuting attorney of the county shall petition the superior court of the county to appoint a referee to designate the five commissioner districts. The referee shall designate such districts by no later than June 1st of that year. The two legislative authority

districts within which no existing member of the county legislative authority permanently resides shall be designated as districts four and five.

**NEW SECTION.** Sec. 4. A new section is added to chapter 36.32 RCW to read as follows:

The terms of the persons who are initially elected to positions 4 and 5 under section 3 of this act shall be as follows:

(1) If the year in which the primary and general elections are held is an even-numbered year, the person elected to position 4 shall be elected for a two-year term, and the person elected to position 5 shall be elected for a four-year term; or

(2) If the year in which the primary and general elections are held is an odd-numbered year, the person elected to position 4 shall be elected for a one-year term, and the person elected to position 5 shall be elected for a three-year term.

Each person elected pursuant to subsection (1) or (2) of this section shall take office immediately upon the issuance of a certificate of his or her election.

Hereafter, persons elected to commissioner positions 4 and 5 shall be elected for four-year terms and shall take office at the same time the other members of the county legislative authority take office.

**NEW SECTION.** Sec. 5. A new section is added to chapter 36.32 RCW to read as follows:

Vacancies on a county legislative authority consisting of five members shall be filled as provided in RCW 36.32.070, except that:

(1) Whenever there are three or more vacancies, the governor shall appoint one or more members until there are a total of three members;

(2) Whenever there are two vacancies, the three members shall fill one of the vacancies; and

(3) Whenever there is one vacancy, the four members shall fill the single vacancy.

Sec. 6. Section 36.32.070, chapter 4, Laws of 1963 and RCW 36.32.070 are each amended to read as follows:

Whenever there is a vacancy in the board of county commissioners, except as provided in section 5 of this act, it shall be filled as follows:

(1) If there are three vacancies, the governor of the state shall appoint two of the officers. The two commissioners thus appointed shall then meet and select the third commissioner. If the two appointed commissioners fail to agree upon selection of the third after the expiration of five days from the day they were appointed, the governor shall appoint the remaining commissioner.

(2) Whenever there are two vacancies in the office of county commissioner, the governor shall appoint one commissioner, and the two commissioners then in office shall appoint the third commissioner. If they fail to agree upon a selection after the expiration of five days from the day of the governor's appointment, the governor shall appoint the third commissioner.

(3) Whenever there is one vacancy in the office of county commissioner, the two remaining commissioners shall fill the vacancy. If the two commissioners fail to agree upon a selection after the expiration of five days from the day the vacancy occurred, the governor shall appoint the third commissioner.

Sec. 7. Section 36.16.030, chapter 4, Laws of 1963 and RCW 36.16.030 are each amended to read as follows:

Except as provided elsewhere in this section, in every county there shall be elected from among the qualified voters of the county a county assessor, a county auditor, a county clerk, a county coroner, three county commissioners, a county prosecuting attorney, a county sheriff and a county treasurer (~~PROVIDED THAT~~). In counties of the fourth, fifth, sixth, seventh, eighth, and ninth classes no coroner shall be elected and the prosecuting attorney shall be ex officio coroner (~~PROVIDED FURTHER THAT~~). In ninth class counties no county auditor or assessor shall be elected (~~and~~); the county clerk shall be ex officio county auditor, and the county treasurer shall be ex officio county assessor. Counties with a population greater than two hundred ten thousand may have five county commissioners as provided in RCW 36.32.010 and sections 3 through 5 of this act.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator McCaslin.

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

#### MOTIONS

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

In line 1 of the title, after "counties;" strike the remainder of the title and insert "amending RCW 36.32.010, 36.32.020, 36.32.070, and 36.16.030; and adding new sections to chapter 36.32 RCW."

On motion of Senator Halsan, the rules were suspended, Engrossed Substitute Senate Bill No. 5020 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5020.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5020 and the bill passed the Senate by the following vote: Yeas, 41; nays, 5; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Tanner, Vognlid, von Reichbauer, Warnke, West, Williams - 41.

Voting nay: Senators Fleming, Moore, Smitherman, Talmadge, Wojahn - 5.

Excused: Senators Peterson, Stratton, Zimmerman - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5020, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, this is a historical day. We are one-fourth of the way through and we have reached our first cut-off resolution. This is the introduction of executive request bills--had to be in at noon today. Also, there is the informal cut-off for introduction of member's bills, so that committee chairmen can schedule the appropriate hearings at the appropriate times. Just a reminder, those bills that are introduced after today, there will have to be an awfully good reason why they will be scheduled for hearing as there would more likely be interim studies and reports."

#### POINT OF INQUIRY

Senator Bailey: "Senator Bottiger, I asked Senator Vognlid yesterday if there was--because we did not realize that this was the informal cut-off--and we have several education bills that we will be preparing and have available for this body shortly, is this a hard and fast rule or will these bills be heard before committee?"

Senator Bottiger: "Senator Bailey, when we were discussing with the House the change, both leadership from your caucus and ours were pretty emphatic with the House that we were going to have an informal hearing. We agree, if there is a good reason, you know if a mountain blows up or something like that, that rule is going to have to slide, but if you don't have it in, you better hurry because we are going to get out of here in one-hundred and five days and late introduction of bills is the big reason we go over the time limit."

Senator Bailey: "If I might continue, Mr. President. Senator Bottiger, does this mean that we will have another week to get these bills in because we just received the Governor's bills on education? It makes it very difficult--"

Senator Bottiger: "Senator, I would hope not another week. Are you asking for another week at the end of the one-hundred five days? Well, in order to schedule and run this place to get out of here, you would have to set the hearings for the bills before the committees, so that we can hit the really first big cut-off date and that is out of the committee."

Senator Bailey: "We will get our bills in as soon as possible. Thank you."

Further debate ensued.

#### POINT OF INQUIRY

Senator Patterson: "Mr. President, thank you. I appreciate your comment Senator Fleming, but the fact remains that there are many members, and I think there are two members that I talked to this morning on your side of the aisle, that did not understand it exactly that way. I would also ask the majority leader, what is the status of a title-only bill that has no subject matter, but had been introduced as a title-only?"

Senator Bottiger: "Senator, there is no constitutional prohibition against introducing title-only bills. They have been used traditionally down here longer than you and I have been here. I don't think they are a good idea and if there is any

merit to the House's argument for the introduction, it's that, but committee chairmen will introduce them so they don't get caught."

Further debate ensued.

#### PERSONAL PRIVILEGE

Senator Fleming: "Mr. President, a point of personal privilege. Mr. President and members of the body, I must speak to you and apologize regarding Substitute Senate Bill No. 5020. Senator McCaslin and I were communicating and I didn't get a chance to hear him regarding my remarks on the bill. He informed me that the amendment refers back to the law as it was. Our original thought was that in the bill, people would be elected by districts in the primary and in the general election. The bill as it is, is my second alternative, but it provides as in the Seattle school district, that elections are by districts in the primary and county-wide in the general election. I wanted to apologize to those members who might have voted no, because of the comments that I made. It was a mix-up on my part and I apologize for that."

#### MOTION

At 11:53 a.m., on motion of Senator Vognild, the Senate recessed until 1:15 p.m.

#### AFTERNOON SESSION

The Senate was called to order at 1:15 p.m. by President Cherberg.

At 1:15 p.m., the President declared the Senate to be at ease.

The President called the Senate to order at 1:26 p.m.

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

#### INTRODUCTION AND FIRST READING

SB 5658 by Senators Fleming and McDermott

AN ACT Relating to the investment of public pension and retirement funds; and amending RCW 43.84.150.

Referred to Committee on Ways and Means.

SB 5659 by Senators Wojahn, Talmadge, Kreidler, Fleming, Kiskaddon and Nelson (by request of Governor Gardner)

AN ACT Relating to child protective services; amending RCW 26.44.010, 26.44.020, 26.44.030, 26.44.053, 26.44.056, 26.44.070, 13.34.020, 13.34.030, 13.34.120, 13.34.180, and 13.34.190; and reenacting and amending RCW 13.34.060.

Referred to Committee on Human Services and Corrections.

SB 5660 by Senators Rinehart, Bailey, Patterson and Gaspard

AN ACT Relating to fellowships for graduate students; adding new sections to chapter 28B.10 RCW; and making an appropriation.

Referred to Committee on Education.

SB 5661 by Senator Gaspard

AN ACT Relating to juvenile offenders; amending RCW 13.40.110; and adding a new section to chapter 13.40 RCW.

Referred to Committee on Judiciary.

SB 5662 by Senators Gaspard and Nelson (by request of Legislative Budget Committee)

AN ACT Relating to pupil transportation contracts; amending RCW 28A.58.131; and adding a new section to chapter 28A.58 RCW.

Referred to Committee on Education.

SB 5663 by Senators Bottiger and Johnson

AN ACT Relating to electric signs; and amending RCW 19.28.120 and 19.28.510.

Referred to Committee on Commerce and Labor.

SB 5664 by Senators Owen, Bluechel, Bottiger, McDonald and Talmadge (by request of Governor Gardner)

AN ACT Relating to the department of wildlife; amending RCW 43.17.010, 43.17.020, 77.04.020, 77.04.030, 77.04.060, 77.04.080, 77.04.110, 77.08.010, 77.08.045, 77.12.020, 77.12.030, 77.12.040, 77.12.055, 77.12.060, 77.12.070, 77.12.080, 77.12.090, 77.12.100, 77.12.105, 77.12.140, 77.12.150, 77.12.170, 77.12.185, 77.12.190, 77.12.200, 77.12.210, 77.12.220, 77.12.230, 77.12.240, 77.12.260, 77.12.265, 77.12.270, 77.12.280, 77.12.290, 77.12.300, 77.12.315, 77.12.320, 77.12.323, 77.12.325, 77.12.330, 77.12.370, 77.12.380, 77.12.390, 77.12.420, 77.12.440, 77.12.450, 77.12.530, 77.12.560, 77.12.570, 77.12.580, 77.12.590, 77.12.650, 77.12.670, 77.12.680, 77.12.690, 77.16.010, 77.16.020, 77.16.040, 77.16.060, 77.16.080, 77.16.095, 77.16.110, 77.16.120, 77.16.130, 77.16.150, 77.16.180, 77.16.310, 77.16.320, 77.21.010, 77.21.020, 77.21.030, 77.21.040, 77.21.060, 77.32.010, 77.32.050, 77.32.060, 77.32.070, 77.32.090, 77.32.155, 77.32.197, 77.32.211, 77.32.220, 77.32.230, 77.32.256, 77.32.320, 77.32.360, 77.32.370, 77.32.380, 9.41.098, 43.51.675, 43.51.955, 75.08.055, 90.03.247, 90.22.010, and 90.22.020; reenacting and amending RCW 77.12.201 and 77.32.350; adding a new section to chapter 77.04 RCW; creating a new section; repealing RCW 77.04.090; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Natural Resources.

SB 5665 by Senators Smitherman, Fleming, Warnke and Bender

AN ACT Relating to local development; amending RCW 43.63A.078; and making an appropriation.

Referred to Committee on Commerce and Labor.

SB 5666 by Senators Gaspard, von Reichbauer and Warnke

AN ACT Relating to state route number 161; and amending RCW 47.17.310.

Referred to Committee on Transportation.

SB 5667 by Senators Warnke, von Reichbauer and Lee

AN ACT Relating to unclaimed personal property; and amending RCW 63.32.010, 63.32.020, 63.40.010, and 63.40.020.

Referred to Committee on Judiciary.

At 1:27 p.m., the President declared the Senate to be at ease.  
The Senate was called to order at 4:04 p.m. by President Cherberg.

#### INTRODUCTION AND FIRST READING

SB 5668 by Senators Moore, Benitz, Newhouse, Stratton, Smitherman and Williams

AN ACT Relating to securities issued by public service companies; amending RCW 80.08.040; adding a new section to chapter 80.08 RCW; and repealing RCW 80.08.070.

Referred to Committee on Financial Institutions.

SB 5669 by Senators Wojahn and Deccio

AN ACT Relating to certification of dietitians and nutritionists; adding a new chapter to Title 18 RCW; prescribing penalties; and making an appropriation.

Referred to Committee on Human Services and Corrections.

SB 5670 by Senators Bender, Conner and Rasmussen

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

Referred to Committee on Transportation.

SB 5671 by Senator Halsan

AN ACT Relating to the sale of motor vehicle fuel; and amending RCW 19.120.090, 19.120.010, and 19.120.040.

Referred to Committee on Judiciary.

SB 5672 by Senators Peterson, DeJarnatt, Conner, Bottiger and Bauer

AN ACT Relating to the sale of motor vehicle fuel: adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Transportation.

SB 5673 by Senators Peterson, Halsan, Bender, DeJarnatt, Conner, Hansen, Bottiger and Bauer

AN ACT Relating to the retail sales of motor vehicle fuels; amending RCW 19.120.010; adding a new section to chapter 19.120 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 5674 by Senators Peterson, Bauer, Owen, DeJarnatt, Conner and Bottiger

AN ACT Relating to the sale of motor vehicle fuel; and adding new sections to chapter 19.120 RCW.

Referred to Committee on Transportation.

SB 5675 by Senator Nelson

AN ACT Relating to revenue and taxation; amending RCW 84.55.010 and 84.55.020; and repealing RCW 84.55.015.

Referred to Committee on Ways and Means.

SB 5676 by Senators Smitherman and Bailey

AN ACT Relating to furloughs for prisoners; and amending RCW 72.66.010.

Referred to Committee on Human Services and Corrections.

SB 5677 by Senator Smitherman

AN ACT Relating to sexual offenders; and reenacting and amending RCW 9.94A.120.

Referred to Committee on Judiciary.

SB 5678 by Senators Fleming, Patterson, Gaspard, Bauer, Tanner, Zimmerman and Bailey

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

Referred to Committee on Education.

SB 5679 by Senators Williams, Owen, Benitz, Stratton and Sellar

AN ACT Relating to the distribution of information filed with the utilities and transportation commission; reenacting and amending RCW 42.17.310; adding a new section to chapter 80.04 RCW; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SB 5680 by Senators Moore, Nelson, Newhouse, Bottiger and Pullen

AN ACT Relating to personal representatives; and amending RCW 11.36.010.

Referred to Committee on Judiciary.

SB 5681 by Senators Talmadge and Rasmussen

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

Referred to Committee on Judiciary.

SB 5682 by Senators Rinehart, McDermott, Moore, Williams, Gaspard, Talmadge, Nelson, Lee, Bailey, Johnson and Kiskaddon

AN ACT Relating to child care; adding new sections to chapter 28B.16 RCW; and making an appropriation.

Referred to Committee on Education.

SB 5683 by Senators Smitherman, Warnke, Cantu and Lee

AN ACT Relating to nonprofit corporations; adding a new chapter to Title 24 RCW; and creating a new section.

Referred to Committee on Commerce and Labor.

SB 5684 by Senators McDonald, Vognild, Hayner, Rasmussen, Bailey, Cantu and Zimmerman

AN ACT Relating to an emergency reserve fund; adding a new chapter to Title 43 RCW; repealing RCW 43.88.520, 43.88.525, 43.88.530, 43.88.535, and 43.88.540; and providing an effective date.

Referred to Committee on Ways and Means.

SB 5685 by Senators Sellar, Hansen, Newhouse and Barr

AN ACT Relating to the Washington state apple advertising commission; authorizing the issuance of bonds to provide partial financing for the costs of acquiring, designing, constructing, furnishing, and equipping of a building for the commission; providing ways and means of payment of the bonds; creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Agriculture.

SB 5686 by Senator Hansen

AN ACT Relating to agricultural property tax payments; amending RCW 84.56.020; adding a new section to chapter 84.56 RCW; and creating a new section.

Referred to Committee on Agriculture.

SB 5687 by Senators Bailey, Vognild and Nelson

AN ACT Relating to conveyance of state-owned aquatic lands and the relocation of harbor lines for the purpose of assisting the siting of a United States Navy base in Everett; creating a new section; and adding a new section to chapter 79.94 RCW.

Referred to Committee on Natural Resources.

SB 5688 by Senators Smitherman, Warnke and Lee

AN ACT Relating to commercial activities of institutions of higher education; and adding a new chapter to Title 28B RCW.

Referred to Committee on Commerce and Labor.

SB 5689 by Senators Warnke and Bender

AN ACT Relating to apprenticeship programs; and amending RCW 49.04.010 and 49.04.030.

Referred to Committee on Commerce and Labor.

SB 5690 by Senator Bender

AN ACT Relating to prevailing wages on public works; and amending RCW 39.12.010, 39.12.020, 39.12.021, 39.12.050, and 39.12.065.

Referred to Committee on Commerce and Labor.

SB 5691 by Senator Metcalf

AN ACT Relating to blow-in and batt/roll insulation products; amending RCW 19.27.074; and adding a new section to chapter 19.27A RCW.

Referred to Committee on Commerce and Labor.

SB 5692 by Senators Bailey, Hansen, Barr, Anderson and Bauer

AN ACT Relating to milk pooling; and amending RCW 15.35.240.

Referred to Committee on Agriculture.

SB 5693 by Senators Vognild, Newhouse, Halsan, Conner, Wojahn, Bottiger and Johnson

AN ACT Relating to voting access; and adding a new section to chapter 49.28 RCW.

Referred to Committee on Governmental Operations.

SB 5694 by Senators Barr, DeJarnatt, Halsan, Sellar and Bauer

AN ACT Relating to library district property tax levies; amending RCW 84.52.043 and 84.52.050; and providing a contingent effective date.

Referred to Committee on Governmental Operations.

SB 5695 by Senators Craswell, Owen, Lee, Smitherman, Cantu, Conner and Stratton

AN ACT Relating to rape by counselors; amending RCW 9A.44.010 and 9A.44.060; defining crimes; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5696 by Senators Craswell and Stratton

AN ACT Relating to natural death; adding new sections to chapter 11.94 RCW; adding a new chapter to Title 70 RCW; repealing RCW 70.122.010, 70.122.020, 70.122.030, 70.122.040, 70.122.050, 70.122.060, 70.122.070, 70.122.080, 70.122.090, 70.122.100, 70.122.900, and 70.122.905; prescribing penalties; and declaring an emergency.

Referred to Committee on Human Services and Corrections.

SB 5697 by Senators Warnke and Bottiger

AN ACT Relating to camping resorts; amending RCW 19.105.300, 19.105.310, 19.105.320, 19.105.330, 19.105.350, 19.105.360, 19.105.370, 19.105.380, 19.105.390, 19.105.400, 19.105.420, 19.105.430, 19.105.440, 19.105.450, 19.105.470, 19.105.480, 19.105.510, 19.105.520, and 19.105.530; reenacting and amending RCW 42.17.310; adding new sections to chapter 19.105 RCW; creating a new section; repealing RCW 19.105.340 and 19.105.410; making an appropriation; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 5698 by Senator Metcalf

AN ACT Relating to teachers' retirement; and adding a new section to chapter 41.32 RCW.

Referred to Committee on Ways and Means.

SB 5699 by Senator Metcalf

AN ACT Relating to surface waters; and adding a new section to chapter 90.03 RCW.

Referred to Committee on Agriculture.

SB 5700 by Senator Metcalf

AN ACT Relating to operation or physical control of a motor vehicle in conjunction with alcohol; adding a new section to chapter 46.61 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5701 by Senator Metcalf

AN ACT Relating to controlled substances; amending RCW 9.95.210; adding a new section to chapter 69.50 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5702 by Senators Metcalf and Conner

AN ACT Relating to the Washington centennial celebration; creating new sections; and making an appropriation.

Referred to Committee on Governmental Operations.

SB 5703 by Senator Metcalf

AN ACT Relating to adult entertainment materials and services; amending RCW 82.08.020, 82.08.010, 82.12.020, 82.12.0252, 82.12.035, 82.12.040, 82.12.060, and 82.14.020; reenacting and amending RCW 82.12.010; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Ways and Means.

SB 5704 by Senators Metcalf and Talmadge

AN ACT Relating to insurance; and amending RCW 48.19.030 and 48.19.040.

Referred to Committee on Financial Institutions.

- SB 5705 by Senators Metcalf and Talmadge  
AN ACT Relating to insurance; and amending RCW 48.19.030.  
Referred to Committee on Financial Institutions.
- SB 5706 by Senators Metcalf, Patterson and Bender  
AN ACT Relating to vehicle dealer licensing; and amending RCW 46.70.070.  
Referred to Committee on Transportation.
- SB 5707 by Senators Owen, Conner, Newhouse and Deccio  
AN ACT Relating to malicious reporting of child abuse or neglect; amending RCW 26.44.020, 26.44.030, 26.44.040, and 26.44.060; and prescribing penalties.  
Referred to Committee on Judiciary.
- SB 5708 by Senators Lee, Warnke, Bluechel, Smitherman and Bailey  
AN ACT Relating to state government; creating new sections; and providing an expiration date.  
Referred to Committee on Commerce and Labor.
- SB 5709 by Senator Rinehart  
AN ACT Relating to sales tax refunds; adding a new chapter to Title 82 RCW; and providing effective dates.  
Referred to Committee on Ways and Means.
- SB 5710 by Senator Tanner  
AN ACT Relating to firearms; and adding a new section to chapter 9.41 RCW.  
Referred to Committee on Judiciary.
- SB 5711 by Senator Warnke  
AN ACT Relating to inmate work programs; amending RCW 72.09.070 and 72.09.080; and creating a new section.  
Referred to Committee on Human Services and Corrections.
- SB 5712 by Senators Rinehart, Gaspard and Zimmerman  
AN ACT Relating to tuition and fees at institutions of higher education; and amending RCW 28B.15.012.  
Referred to Committee on Education.
- SB 5713 by Senators Barr, Bailey and Bauer  
AN ACT Relating to local government; and amending RCW 4.96.040.  
Referred to Committee on Agriculture.
- SB 5714 by Senators Cantu, Craswell, Johnson and Rasmussen  
AN ACT Relating to blood donors; and adding new sections to chapter 70.54 RCW.  
Referred to Committee on Human Services and Corrections.
- SB 5715 by Senators Cantu, Gaspard, Lee, Craswell, Zimmerman, Kiskaddon and Bailey  
AN ACT Relating to the application of the sales and use tax on school district capital projects; adding a new section to chapter 28A.58 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; providing an effective date; and declaring an emergency.  
Referred to Committee on Ways and Means.
- SB 5716 by Senators Cantu and Gaspard  
AN ACT Relating to renovation of school buildings; and amending RCW 28A.58.441.  
Referred to Committee on Education.
- SB 5717 by Senators Cantu and Rasmussen

AN ACT Relating to reporting by nonprofit corporations; and amending RCW 24.03.400.

Referred to Committee on Governmental Operations.

SB 5718 by Senator Cantu

AN ACT Relating to the disclosure of drivers' license records; and amending RCW 46.20.171.

Referred to Committee on Transportation.

SB 5719 by Senator Cantu

AN ACT Relating to financial responsibility for services provided and funded by the department of social and health services; amending RCW 13.32A.175, 13.34.160, 13.40.220, 43.20A.670, 69.54.060, 71.05.100, 71.24.215, 71.34.130, 72.23.120, 72.23.230, 74.13.103, 74.20A.030, and 74.26.060; adding a new section to chapter 69.54 RCW; adding a new section to chapter 70.01 RCW; adding a new section to chapter 71.02 RCW; adding a new section to chapter 72.33 RCW; adding a new chapter to Title 43 RCW; creating a new section; repealing RCW 72.33.210; and providing an effective date.

Referred to Committee on Human Services and Corrections.

SB 5720 by Senators Gaspard, Patterson, Barr, Bailey, Bauer and Hansen

AN ACT Relating to cooperative programs and services between or among school districts; adding new sections to Title 28A RCW; repealing RCW 28A.03.448, 28A.03.449, and 28A.03.450; repealing section 4, chapter 58, Laws of 1985 (uncodified); and making an appropriation.

Referred to Committee on Education.

SB 5721 by Senators Vognild, McDonald, Warnke and Anderson

AN ACT Relating to motor vehicle equipment; and amending RCW 46.37.480.

Referred to Committee on Transportation.

SB 5722 by Senators Rasmussen and Metcalf

AN ACT Relating to public officials; and amending RCW 42.17.243.

Referred to Committee on Governmental Operations.

SB 5723 by Senators Sellar, Hansen, Moore, Saling, Patterson, Metcalf and Lee

AN ACT Relating to state supplementation to federal supplemental security income; amending RCW 74.04.620; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5724 by Senator Sellar

AN ACT Relating to shoreline management; and amending RCW 90.58.030, 90.58.140, and 90.58.180.

Referred to Committee on Parks and Ecology.

SJR 8214 by Senators Rasmussen, Metcalf, Pullen, Conner, Craswell, Bauer and Stratton

Ratifying an amendment to the United States Constitution regarding congressional salaries.

Referred to Committee on Governmental Operations.

SJR 8215 by Senators McDonald, Vognild, Hayner, Rasmussen, Bailey, Cantu, Nelson, Lee, Zimmerman, and Kiskaddon

Submitting to a vote of the people on a state constitutional amendment to establish a state emergency reserve fund.

Referred to Committee on Ways and Means.

SJR 8216 by Senators Craswell, Metcalf, Deccio, Johnson, Barr, McCaslin and Cantu

Proposing a state constitutional amendment to require a three-fifths vote in both houses of the legislature for new taxes and tax increases.

Referred to Committee on Ways and Means.

SCR 8408 by Senators DeJarnatt, Patterson and Hansen

Reducing duplication in trucking regulations and enforcement.

Referred to Committee on Transportation.

MOTION

At 4:06 p.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Monday, February 9, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## TWENTY-NINTH DAY

### MORNING SESSION

Senate Chamber, Olympia, Monday, February 9, 1987

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Benitz, McDermott, Moore and Peterson. On motion of Senator Bender, Senators McDermott, Moore and Peterson were excused. On motion of Senator Zimmerman, Senator Benitz was excused.

The Sergeant at Arms Color Guard, consisting of Eagle Scouts Larry Garrett from Bellevue and Scott Lentz from Palouse, presented the Colors. Reverend Dan Secrist, pastor of the Faith Assembly Church of Lacey, offered the prayer.

### MOTION

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

### MESSAGE FROM THE HOUSE

February 6, 1987

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 23,

HOUSE BILL NO. 91,

SUBSTITUTE HOUSE BILL NO. 124,

HOUSE BILL NO. 135,

HOUSE BILL NO. 146, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### INTRODUCTION AND FIRST READING

SB 5725 by Senators Bailey, Nelson, Benitz, Saling, Patterson, Johnson, Craswell, Stratton, Zimmerman, Lee, Metcalf, Barr and Anderson

AN ACT Relating to the superintendent of public instruction; and creating a new section.

Referred to Committee on Ways and Means.

SB 5726 by Senators Bailey, Nelson, Benitz, Saling, Patterson, Johnson, Craswell, Metcalf and Anderson

AN ACT Relating to education; amending RCW 28A.58.095, 28A.58.095, and 41.32.010; creating new sections; providing an expiration date; providing an effective date; and declaring an emergency.

Referred to Committee on Education.

SB 5727 by Senators Bailey, Nelson, Benitz, Saling, Patterson, Johnson, Craswell, Zimmerman, Lee and Anderson

AN ACT Relating to educational excellence; amending section 1, chapter 399, Laws of 1985 (uncodified); and creating a new section.

Referred to Committee on Education.

SB 5728 by Senators Bailey, Nelson, Benitz, Saling, Patterson, Johnson, Craswell, Kiskaddon and Barr

AN ACT Relating to school enhancement and accountability; creating new sections; making an appropriation; declaring an emergency; and providing an effective date.

Referred to Committee on Education.

SB 5729 by Senators Bluechel, Bender, Kreidler and Vognild

AN ACT Relating to the Milwaukee road; and amending RCW 43.51.405 and 79.08.275.

Referred to Committee on Parks and Ecology.

SB 5730 by Senators Bender, Bluechel, Kreidler and Vognild

AN ACT Relating to the Milwaukee road; and amending RCW 79.08.277.

Referred to Committee on Parks and Ecology.

SB 5731 by Senators Bender and Garrett

AN ACT Relating to the transportation benefit board; and creating a new chapter in Title 47 RCW.

Referred to Committee on Transportation.

SB 5732 by Senators Tanner, Peterson, Smitherman, Bender, Bailey and Garrett

AN ACT Relating to right of way donations; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 35.44 RCW; adding a new section to chapter 36.32 RCW; adding a new section to chapter 36.88 RCW; and creating a new chapter in Title 47 RCW.

Referred to Committee on Transportation.

SB 5733 by Senators Tanner, Bailey, Smitherman, Garrett and DeJarnatt

AN ACT Relating to financing of state highway improvements; and amending RCW 35.72.050.

Referred to Committee on Transportation.

SB 5734 by Senators Bender, Smitherman, Garrett and DeJarnatt

AN ACT Relating to transportation benefit districts; amending RCW 82.02.020; adding a new section to chapter 35.21 RCW; and creating a new chapter in Title 36 RCW.

Referred to Committee on Transportation.

SB 5735 by Senators Peterson, Bender, Tanner, Bailey and Garrett

AN ACT Relating to approach roads on state highway rights of way; and amending RCW 47.32.160.

Referred to Committee on Transportation.

SB 5736 by Senators Moore, Talmadge, Rinehart, Williams, Kreidler, McDermott and Fleming

AN ACT Relating to unlawful discrimination based on sexual orientation in employment, housing, public accommodations, credit, insurance, and commercial transactions; amending RCW 48.30.300, 49.60.010, 49.60.020, 49.60.030, 49.60.120, 49.60.130, 49.60.175, 49.60.176, 49.60.178, 49.60.180, 49.60.190, 49.60.200, 49.60.222, 49.60.223, 49.60.224, and 49.60.225; and reenacting and amending RCW 49.60.040 and 49.60.215.

Referred to Committee on Judiciary.

SB 5737 by Senator Rasmussen

AN ACT Relating to banking; adding new sections to chapter 30.16 RCW; adding new sections to chapter 31.12 RCW; adding new sections to chapter 32.04 RCW; adding new sections to chapter 33.04 RCW; adding a new section to chapter 46.20 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions.

SB 5738 by Senators Rasmussen and Johnson

AN ACT Relating to sewerage, water, and drainage systems; and amending RCW 36.94.240 and 36.94.270.

Referred to Committee on Governmental Operations.

SB 5739 by Senators Vognild, Warnke and Smitherman

AN ACT Relating to escrow; amending RCW 18.44.050, 18.44.130, 18.44.360, and 18.44.370; adding new sections to chapter 18.44 RCW; repealing RCW 18.44.060; declaring an emergency; and providing an effective date.

Referred to Committee on Commerce and Labor.

**SB 5740** by Senator Vognild

AN ACT Relating to employer contributions to insurance and health care plans for ferry system employees; amending 47.64.270; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

**SB 5741** by Senator Vognild

AN ACT Relating to salary surveys by the marine employees' commission; and amending RCW 47.64.006 and 47.64.220.

Referred to Committee on Transportation.

**SB 5742** by Senators Saling, Gaspard, McDonald and Patterson

AN ACT Relating to community college faculty; adding new sections to chapter 28B-.50 RCW; and creating a new section.

Referred to Committee on Education.

**SB 5743** by Senators Lee, West, Anderson and Barr

AN ACT Relating to economic development; adding a new chapter to Title 43 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 84.36 RCW; making an appropriation; and providing an effective date.

Referred to Committee on Commerce and Labor.

**SB 5744** by Senators West and Talmadge

AN ACT Relating to violent civil disorders; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

**SB 5745** by Senator Johnson

AN ACT Relating to early retirement; and amending RCW 41.40.180 and 41.40.630.

Referred to Committee on Governmental Operations.

**SB 5746** by Senator Smitherman

AN ACT Relating to the international marketing programs; amending RCW 76.56.020; adding new sections to chapter 28B.30 RCW; and adding new sections to chapter 76.56 RCW.

Referred to Committee on Commerce and Labor.

**SB 5747** by Senators Williams, Kreidler and Bluechel

AN ACT Relating to historic preservation corporations; and amending RCW 64.04.130.

Referred to Committee on Parks and Ecology.

**SB 5748** by Senators McDermott, Newhouse, Bottiger, Fleming, Gaspard, Deccio, Stratton, Johnson, Wojahn, Bender, Smitherman, Benitz, Nelson and Barr

AN ACT Relating to higher education; adding a new chapter to Title 28B RCW; and making an appropriation.

Referred to Committee on Education.

**SB 5749** by Senators Garrett, Warnke and McCaslin

AN ACT Relating to the horse racing commission; and amending RCW 67.16.175.

Referred to Committee on Ways and Means.

**SB 5750** by Senator Garrett

AN ACT Relating to contracts for architectural and engineering services; and amending RCW 39.80.010.

Referred to Committee on Governmental Operations.

**SB 5751** by Senators West and Nelson

AN ACT Relating to nonpayment of rent; adding a new section to chapter 74.04 RCW; and creating a new section.

Referred to Committee on Judiciary.

SB 5752 by Senator Kiskaddon

AN ACT Relating to the omnibus registration of health care professionals; adding a new chapter to Title 18 RCW; repealing chapters 18.06, 18.22, 18.25, 18.26, 18.29, 18.32, 18.34, 18.35, 18.36, 18.50, 18.52A, 18.53, 18.55, 18.57, 18.57A, 18.64, 18.64A, 18.71, 18.71A, 18.72, 18.73, 18.74, 18.78, 18.83, 18.88, 18.108, and 18.135 RCW; and prescribing penalties.

Referred to Committee on Human Services and Corrections.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 23 by Committee on Transportation (originally sponsored by Representative Sutherland)

Authorizing green lights on private cars of emergency medical personnel.

Referred to Committee on Transportation.

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

Changing provisions relating to state employee incentives.

Referred to Committee on Governmental Operations.

SHB 124 by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Cole, Armstrong, Fisher, Crane, Leonard, Berozoff, Pruiitt, Fisch, Rust, Miller and P. King)

Standardizing ballot order rotation of all candidates.

Referred to Committee on Governmental Operations.

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

Changing provisions relating to the Western Library Network.

Referred to Committee on Governmental Operations.

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

Revising provisions relating to credit unions.

Referred to Committee on Financial Institutions.

There being no objection, the President reverted the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

February 5, 1987

SB 5046 Prime Sponsor, Senator Bottiger: Limiting the use of riders for health and disability insurance. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 5046 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Fleming, McDermott, Metcalf, von Reichbauer.

Passed to Committee on Rules for second reading.

February 4, 1987

SB 5120 Prime Sponsor, Senator Peterson: Revising fees and liability for county auditors and their agents. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Barr, Bender, Conner, DeJarnatt, Halsan, Nelson, Patterson, Smitherman, von Reichbauer.

Passed to Committee on Rules for second reading.

February 5, 1987

SB 5144 Prime Sponsor, Senator Hansen: Modifying regulation of fertilizers and pesticides. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 5144 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Chairman; Bauer, Vice Chairman; Anderson, Bailey, Barr, Gaspard.

Passed to Committee on Rules for second reading.

February 5, 1987

SB 5154 Prime Sponsor, Senator Owen: Governing the use of security protection provisions with respect to real estate loan agreements. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 5154 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Fleming, Metcalf, von Reichbauer.

Passed to Committee on Rules for second reading.

February 5, 1987

SB 5168 Prime Sponsor, Senator Hansen: Extending the period during which crop liens may be filed. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 5168 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Chairman; Bauer, Vice Chairman; Anderson, Bailey, Barr, Gaspard.

Passed to Committee on Rules for second reading.

February 5, 1987

SB 5176 Prime Sponsor, Senator Hansen: Permitting designation of one polling place to serve several precincts in small irrigation districts. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 5176 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Chairman; Bauer, Vice Chairman; Anderson, Bailey, Barr, Gaspard.

Passed to Committee on Rules for second reading.

February 5, 1987

SB 5178 Prime Sponsor, Senator Moore: Authorizing limited commodity brokers license and providing additional exceptions to RCW 21.30.020. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Fleming, Metcalf, Pullen, von Reichbauer.

Passed to Committee on Rules for second reading.

February 4, 1987

SB 5325 Prime Sponsor, Senator Peterson: Changing the requirements for information kept in drivers' case records. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Vice Chairman; Tanner, Vice Chairman; Bender, DeJarnatt, Garrett, Halsan, Nelson, Paterson, Smitherman, von Reichbauer, West.

Passed to Committee on Rules for second reading.

February 6, 1987

\*SB 5657 Prime Sponsor, Senator Warnke: Authorizing unemployment benefits during certain labor lockouts. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Tanner, Vognild, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1987

\*We the undersigned members of the Commerce and Labor Committee agree to waive the five-day rule on Senate Bill No. 5657:

Senators Tanner, Wojahn, Warnke, Vognild, Williams, Smitherman, West, Lee, Anderson.

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

## MOTION

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

## SENATE RESOLUTION 1987-8606

by Senators Zimmerman, Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Moore, Owen, Peterson, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn, Sellar, Lee and Barr

WHEREAS, Sunday, February 8th marked the seventy-seventh anniversary of the Boy Scouts of America; and

WHEREAS, Scouting maintains a strong presence through four-hundred and eleven local councils across the United States; and

WHEREAS, Over seventy-two million Americans have been members of the Boy Scouts of America since its incorporation in the United States in 1910; and

WHEREAS, The state of Washington is served by twelve councils, each sending a representative to Olympia to make their annual report to the Governor; and

WHEREAS, The scouting program begins with youth at age seven and continues through the Explorer Scout program that involves youth between ages fourteen and twenty-one; and

WHEREAS, The Scout law inspires people always to be trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean and reverent; and

WHEREAS, Many of our state and national leaders have participated in the Boy Scout program;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate applaud the Boy Scouts of America and the twelve councils serving Washington State for the service and benefit to the youth of this state; and

BE IT FURTHER RESOLVED, That the members of this body encourage support in their home districts for scouting programs; and

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted by the Secretary of the Senate to the National Office of the Boy Scouts of America in Irving, Texas; The Western Regional Office of the Boy Scouts of America in Sunnyvale, California; and the twelve Boy Scout councils serving Washington State.

## INTRODUCTION OF SPECIAL GUESTS

The President introduced Eagle Scout Jim Weller from South Bend, Star Scout Chris Harpel from Battle Ground, Eagle Scout Travis Stier from Marysville and Eagle Scout Carl Speckhardt from Puyallup, who were guests in the Senate Chambers.

The President introduced Eagle Scout Derek Eyring of Chehalis, representing the Tumwater Area Council, who was seated on the rostrum.

With permission of the Senate, business was suspended to permit Eagle Scout Eyring to address the Senate.

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

## SECOND READING

SENATE BILL NO. 5034, by Senators Garrett and Stratton

Updating the Model Traffic Ordinance.

The bill was read the second time.

## MOTION

On motion of Senator Tanner, the rules were suspended, Senate Bill No. 5034 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5034.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5034 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

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

Excused: Senators Benitz, McDermott, Moore, Peterson - 4.

SENATE BILL NO. 5034, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5035, by Senators Kreidler, Warnke, Owen, Garrett, Zimmerman, Bluechel, Sellar and Stratton

Extending the interagency committee for outdoor recreation.

The bill was read the second time.

## MOTIONS

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

On page 1, strike all of section 1 and insert the following:

"Sec. 1. Section 5, chapter 206, Laws of 1981 and RCW 43.99.115 are each amended to read as follows:

The interagency committee for outdoor recreation shall cease to exist on June 30, ~~((1987))~~ 1993, unless extended by law for an additional fixed period of time."

Renumber the sections consecutively.

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

On page 1, line 2 of the title, strike "repealing" and insert "amending"

## MOTION

On motion of Senator Kreidler, the rules were suspended, Engrossed Senate Bill No. 5035 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5035.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5035 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

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

Excused: Senators Benitz, McDermott, Moore, Peterson - 4.

ENGROSSED SENATE BILL NO. 5035, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5060, by Senators Talmadge, Newhouse, Halsan, Conner and Rasmussen (by request of Washington State Patrol)

Authorizing transport of intoxicated pedestrians.

The bill was read the second time.

## MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 5060 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5060.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5060 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

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

Excused: Senators Benitz, McDermott, Moore, Peterson - 4.

SENATE BILL NO. 5060, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5061, by Senators Halsan, Newhouse, Talmadge, Smitherman and Garrett (by request of Washington State Patrol)

Establishing failure to comply with traffic laws as a gross misdemeanor.

## MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 5061 was substituted for Senate Bill No. 5061 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 5061 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5061.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5061 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

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

Excused: Senators Benitz, McDermott, Moore, Peterson - 4.

SUBSTITUTE SENATE BILL NO. 5061, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5107, by Senators Conner, Barr, Peterson, Patterson, Vognilid, Bauer and Deccio

Levying motor vehicle excise tax only for the actual license period.

## MOTIONS

On motion of Senator Hansen, Substitute Senate Bill No. 5107 was substituted for Senate Bill No. 5107 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hansen, the rules were suspended, Substitute Senate Bill No. 5107 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5107.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5107 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

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

Excused: Senators Benitz, McDermott, Moore, Peterson - 4.

SUBSTITUTE SENATE BILL NO. 5107, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 10:50 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 12:01 p.m. by President Cherberg.

## MOTION

At 12:01 p.m., on motion of Senator Vognild, the Senate recessed until 4:00 p.m.

## AFTERNOON SESSION

The Senate was called to order at 4:00 p.m. by President Cherberg.

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

## MESSAGE FROM THE HOUSE

February 9, 1987

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 147.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 445, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

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

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 147 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Lux, Winsley, Nutley, Chandler, Day, P. King, Dellwo and Zellinsky)

Revising provisions relating to credit insurance.

Referred to Committee on Financial Institutions.

ESHB 445 by Committee on Commerce and Labor (originally sponsored by Representatives Wang, Jacobsen, Sayan, R. King, Lux, Wineberry, Brekke, Fisher, Niemi, Leonard, P. King, Dellwo, Cole, Basich, Heavey, Unsoeld and Todd)

Authorizing unemployment compensation for certain locked-out workers.

Referred to Committee on Commerce and Labor.

MOTION

At 4:02 p.m., on motion of Senator Vognild, the Senate adjourned until 12:00 noon, Tuesday, February 10, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

### THIRTIETH DAY

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#### NOON SESSION

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Senate Chamber, Olympia, Tuesday, February 10, 1987

The Senate was called to order at 12:00 noon by President Cherberg. No roll call was taken.

The Sergeant at Arms Color Guard, consisting of Pages Jill Brown and Jamey Colson, presented the Colors. Reverend Dan Secrist, pastor of the Faith Assembly Church of Lacey, offered the prayer.

#### MOTION

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

#### APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of the Washington State Dairy Princess, Jennifer Borden, and the alternate princesses, Kristi Waltner and Peggy Ueltschi. The President appointed Senators Hansen, Paterson and Conner to escort the honored guests to the rostrum.

With permission of the Senate, business was suspended to permit Princess Jennifer to address the Senate.

The honored guests remained on the rostrum to observe the legislative process of the Senate.

#### REPORTS OF STANDING COMMITTEES

February 9, 1987

SB 5084 Prime Sponsor, Senator Owen: Raising limits for senior citizen property tax exemptions. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Cantu, Hayner, Kreidler, Lee, Moore, Owen, Rasmussen, Talmadge, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 9, 1987

SB 5131 Prime Sponsor, Senator Warnke: Requiring annual reports on employment and economic data. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Refer to Committee on Ways and Means. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Tanner, Vognild, Williams, Wojahn.

Referred to Committee on Ways and Means.

February 6, 1987

SB 5233 Prime Sponsor, Senator Halsan: Permitting courts to require ignition interlocks on alcohol offenders' cars. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5233 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Bottiger, McCaslin, Nelson.

Passed to Committee on Rules for second reading.

February 9, 1987

SB 5259 Prime Sponsor, Senator Moore: Authorizing occupational therapy services under the medical care and medical assistance programs. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Tanner.

Referred to Committee on Ways and Means.

February 9, 1987

SB 5266 Prime Sponsor, Senator McDermott: Providing for retail sales tax trust fund accountability. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5266 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Kreidler, Lee, Moore, Owen, Rasmussen, Rinehart, Talmadge, Vognild, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1987

SB 5279 Prime Sponsor, Senator Halsan: Revising various provisions affecting superior courts. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5279 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Bottiger, McCaslin, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

February 9, 1987

SB 5403 Prime Sponsor, Senator Bender: Increasing number of members on veterans affairs advisory committee. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; DeJarnatt, McCaslin, Talmadge.

Passed to Committee on Rules for second reading.

February 9, 1987

SB 5469 Prime Sponsor, Senator Talmadge: Correcting obsolete statutory references relating to the department of trade and economic development. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Lee, Sellar, West, Williams.

Passed to Committee on Rules for second reading.

February 9, 1987

EHB 6 Prime Sponsor, Representatives Wang: Recodifying statutes regulating gambling. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Lee, Sellar, West.

Passed to Committee on Rules for second reading.

February 10, 1987

\*ESHB 445 Prime Sponsor, Committee on Commerce and Labor: Authorizing unemployment compensation for certain locked-out workers. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Tanner, Vognild, Williams, Wojahn.

Passed to Committee on Rules for second reading.

\*We the undersigned members of the Senate Commerce and Labor Committee agree to waiving the five-day notice requirement on ESHB 445 on February 10, 1987:

Senators Williams, Wojahn, Warnke, Smitherman, Vognild, Tanner.

MESSAGES FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

January 23, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Don S. Schwerin, appointed January 23, 1987, for a term ending September 30, 1989, as a member of the Board of Trustees, Walla Walla Community College District No. 20.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Education.

January 13, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Kai N. Lee, reappointed January 13, 1987, for a term ending January 15, 1990, as a member of the Pacific Northwest Electric Power and Conservation Planning Council.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Energy and Utilities.

January 27, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

John L. Shreve, appointed January 27, 1987, for a term ending December 31, 1992, as a member of the Parks and Recreation Commission.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Parks and Ecology.

January 27, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Melvin D. Wortman, appointed January 27, 1987, for a term ending December 31, 1992, as a member of the Parks and Recreation Commission.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Parks and Ecology.

INTRODUCTION AND FIRST READING

SB 5753 by Senators Wojahn, Halsan and Deccio

AN ACT Relating to medical care under the limited casualty program; and amending RCW 74.09.700.

Referred to Committee on Human Services and Corrections.

SB 5754 by Senators Williams and Warnke

AN ACT Relating to smokeless tobacco; amending RCW 82.26.020; and adding a new section to chapter 28A.87 RCW.

Referred to Committee on Commerce and Labor.

SB 5755 by Senator Kreidler

AN ACT Relating to securities enforcement; and amending RCW 21.20.390 and 21.20.410.

Referred to Committee on Financial Institutions.

SB 5756 by Senator Kreidler

AN ACT Relating to legal representation under the securities act; amending RCW 43.10.065; reenacting and amending RCW 43.10.067; and adding new sections to chapter 21.20 RCW.

Referred to Committee on Financial Institutions.

SB 5757 by Senators Stratton, Deccio, Halsan, Smitherman, Anderson, Johnson, Saling and Moore

AN ACT Relating to child abuse and neglect; creating new sections; making an appropriation; and providing for an expiration date.

Referred to Committee on Human Services and Corrections.

SB 5758 by Senators Kreidler and Deccio

AN ACT Relating to the return on investment allowance for nursing homes; and amending RCW 74.46.530.

Referred to Committee on Ways and Means.

SB 5759 by Senator Talmadge

AN ACT Relating to the state sandwich; adding a new section to chapter 1.20 RCW; and creating a new section.

Referred to Committee on Governmental Operations.

SB 5760 by Senator Rasmussen

AN ACT Relating to motor freight carriers; and adding a new section to chapter 81.80 RCW.

Referred to Committee on Transportation.

SJM 8007 by Senators Wojahn, Deccio, Barr and Moore

Petitioning Congress to authorize hospitals to use excess beds for nursing home care.

Referred to Committee on Human Services and Corrections.

#### PERSONAL PRIVILEGE

Senator Zimmerman: "Mr. President, a point of personal privilege. Before the dairy princesses leave, I thought it would be appropriate to suggest to this group, that from a personal standpoint, there are counties that have their county fairs and there is a custom in Clark County that we have a cheesecake contest in which cheesecakes are baked and they have the State Senator or legislator have the opportunity to be one of the judges. It makes for a very great afternoon and one that, obviously, has a considerable benefit to your girth. It also shows a variety from which you can have cheesecakes made. I would suggest you try to establish that within your own community.

"The second part of my point of personal privilege was simply to explain that while I was out of the state last week, you did some legislation here and you did have some things accomplished, but I want you to know and this is serious, there were three thousand people from one hundred twenty countries around the world, that gathered for that three day seminar. They had amongst them, at our table for example, a Lebanese couple, an Israeli man, a woman from Tunisia, a man from Jamaica, and then two younger people, one of the students at Denver and then a student working in Washington D.C., just at one table.

"The main speaker happened to be Elizabeth Dole, but on the same program they did have Albert Gore, a Senator from Tennessee who is a Democrat, speaking. They had a Representative, Dan Daniels, so it was very bipartisan and yet a very, very, cooperative event, an event that truly was a very moving one. I want you to know that while there, we also had a chance to visit with your congressmen and my congressman, Representative Don Bonker and some of the others that you all

know and have had conversations with in the past. It was worthwhile. I am glad that, at least at this point, you have not done any devastating things, because of the cooperation that has been such a part of this session and we hope it will continue."

#### COMMITTEE ESCORTS GUESTS FROM SENATE CHAMBER

The committee consisting of Senators Hansen, Patterson and Conner escorted the Dairy Princesses from the Senate Chamber and the committee was discharged.

#### MOTION

At 12:22 p.m., on motion of Senator Vognild, the Senate adjourned until 9:30 a.m., Wednesday, February 11, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## THIRTY-FIRST DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Wednesday, February 11, 1987

The Senate was called to order at 9:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Halsan, Kreidler, McCaslin, Nelson, Owen, Peterson, Rinehart, Talmadge and von Reichbauer. On motion of Senator Bender, Senator Peterson was excused. On motion of Senator Zimmerman, Senator von Reichbauer was excused.

The Sergeant at Arms Color Guard, consisting of Pages Stuci Chaisson and Jeff Henderson, presented the Colors. Reverend Dan Secrist, pastor of the Faith Assembly Church of Lacey, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

February 3, 1987

SB 5123 Prime Sponsor, Senator Hansen: Revising highway advertising controls. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5123 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Vice Chairman; Tanner, Vice Chairman; Bailey, Barr, Bender, DeJarnatt, Garrett, Johnson, Nelson, Patterson, Sellar, Smitherman, West.

Passed to Committee on Rules for second reading.

February 9, 1987

SB 5193 Prime Sponsor, Senator Peterson: Regulating mining on public lands. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5193 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; DeJarnatt, Vice Chairman; Barr, Craswell, McDonald, Metcalf, Patterson, Stratton.

Passed to Committee on Rules for second reading.

February 9, 1987

SB 5202 Prime Sponsor, Senator Talmadge: Revising the office of minority and women's business enterprises. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5202 be substituted therefor, and the substitute bill do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

February 10, 1987

SB 5251 Prime Sponsor, Senator Owen: Changing the name of the department of game to the department of wildlife. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; DeJarnatt, Vice Chairman; Conner, Craswell, McDonald, Metcalf.

Passed to Committee on Rules for second reading.

February 10, 1987

SB 5253 Prime Sponsor, Senator Wojahn: Changing provisions relating to displaced homemakers. Reported by Committee on Rules

MAJORITY recommendation: Refer to Committee on Ways and Means. Signed by John A. Cherberg, Chairman, Senators Rasmussen, Vice Chairman; Bauer, Bender, Bottiger, Conner, Fleming, Garrett, Newhouse, Seilar, Vognild, Zimmerman.

Referred to Committee on Ways and Means.

February 10, 1987

SB 5299 Prime Sponsor, Senator Warnke: Revising laws relating to massage therapy. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5299 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Lee, Tanner, West.

Passed to Committee on Rules for second reading.

February 9, 1987

SB 5368 Prime Sponsor, Senator Tanner: Revising and reorganizing laws pertaining to the cemetery board. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5368 be substituted therefor, and the substitute bill do pass. Signed by Senators Halsan, Chairman; DeJarnatt, McCaslin, Talmadge.

Passed to Committee on Rules for second reading.

February 10, 1987

SB 5412 Prime Sponsor, Senator Talmadge: Extending nurse/patient privilege to registered nurses carrying out treatment prescribed by osteopathic physicians. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Bottiger, McCaslin, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

February 9, 1987

SB 5441 Prime Sponsor, Senator DeJarnatt: Authorizing establishment of local reemployment centers. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5441 be substituted for Senate Bill No. 5441 and be referred to Committee on Ways and Means. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Lee, Tanner, Vognild, Williams, Wojahn.

Referred to Committee on Ways and Means.

February 10, 1987

SB 5480 Prime Sponsor, Senator Patterson: Permitting second-class school districts to hire officers' spouses on a half-time basis. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Craswell, Patterson, Saling.

Passed to Committee on Rules for second reading.

February 9, 1987

SB 5511 Prime Sponsor, Senator Gaspard: Establishing a mechanism for mandatory assignment of divided retirement benefit payments. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5511 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott,

Chairman; Cantu, Craswell, Hayner, Kreidler, Lee, McDonald, Moore, Owen, Rasmussen, Talmadge, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 10, 1987

GUBERNATORIAL APPOINTMENT

February 10, 1987

GA 9043 JUDGE DAVID R. LaROSE, reappointed July 18, 1986, for a term ending June 30, 1991, as Chief Administrative Law Judge.  
Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Bottiger, McCaslin, Nelson, Newhouse

Passed to Committee on Rules.

INTRODUCTION AND FIRST READING

SB 5761 by Senators Warnke, Vognild, Newhouse, Moore, Bender and Cantu

AN ACT Relating to the deletion from the Revised Code of Washington of rules 9, 19, and 30, and rule 6 (part), governing the running, placing, erecting, maintaining, or using of electrical apparatus; amending RCW 19.29.010.

Referred to Committee on Commerce and Labor.

SB 5762 by Senator West

AN ACT Relating to parking prohibitions; and amending RCW 46.61.570.

Referred to Committee on Transportation.

SB 5763 by Senators Stratton, McDonald, DeJarnatt, Owen and Barr

AN ACT Relating to the department of fisheries; and adding a new section to chapter 75.52 RCW.

Referred to Committee on Natural Resources.

SB 5764 by Senators Talmadge, McCaslin, Zimmerman and Halsan

AN ACT Relating to the creation of new boards, commissions, and special purpose districts; and adding a new chapter to Title 43 RCW.

Referred to Committee on Governmental Operations.

SB 5765 by Senators Talmadge, McCaslin, Zimmerman and Halsan

AN ACT Relating to special purpose districts; adding a new chapter to Title 44 RCW; and providing an expiration date.

Referred to Committee on Governmental Operations.

SB 5766 by Senators Smitherman, Warnke and Bender

AN ACT Relating to the mobile home park purchase fund and providing technical assistance; adding a new chapter to Title 59 RCW; making an appropriation; and providing an expiration date.

Referred to Committee on Commerce and Labor.

SB 5767 by Senators Warnke, Smitherman and von Reichbauer

AN ACT Relating to the office of mobile home affairs; and adding a new section to chapter 43.63A RCW.

Referred to Committee on Commerce and Labor.

SB 5768 by Senators Smitherman, Warnke and Bender

AN ACT Relating to manufactured housing in restrictive zones; amending RCW 35.63.010, 35.63.110, 35A.63.010, 35A.63.100, 36.70.020, and 36.70.750; creating a new section; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 5769 by Senators Warnke, Fleming, McDermott, Williams, Bailey and Garrett

AN ACT Relating to the housing trust fund; amending RCW 43.185.020, 43.185.030, 18.85.310, 59.18.270, 67.70.190, and 67.70.240; adding a new section to chapter 43.185 RCW; and making an appropriation.

Referred to Committee on Commerce and Labor.

SB 5770 by Senators Talmadge, Newhouse and McCaslin

AN ACT Relating to superior and district courts; and amending RCW 3.58.020 and 2.56.030.

Referred to Committee on Judiciary.

SB 5771 by Senator DeJarnatt

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

Referred to Committee on Governmental Operations.

SB 5772 by Senators Warnke, Newhouse, Vognild, Smitherman and West

AN ACT Relating to fire and life safety systems; amending RCW 19.28.123, 19.28.070, 19.28.210, and 19.28.510; adding a new section to chapter 19.28 RCW; adding new sections to chapter 48.48 RCW; creating a new section; and making appropriations.

Referred to Committee on Commerce and Labor.

SB 5773 by Senators Moore, McDermott, Williams, Rinehart and Talmadge

AN ACT Relating to discrimination in insurance; adding a new chapter to Title 48 RCW; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Financial Institutions.

SB 5774 by Senators Tanner and Anderson

AN ACT Relating to permanent identification remarks on removable dental prostheses; and adding new sections to chapter 18.32 RCW.

Referred to Committee on Human Services and Corrections.

SB 5775 by Senator Sellar

AN ACT Relating to vehicular homicide; and amending RCW 9.94A.320.

Referred to Committee on Judiciary.

SB 5776 by Senators Warnke, Smitherman and Vognild

AN ACT Relating to state government; amending RCW 47.01.280, 39.86.020, and 39.86.030; reenacting and amending RCW 47.10.801; adding new sections to chapter 43.160 RCW; creating new sections; repealing RCW 43.160.010, 43.160.020, 43.160.030, 43.160.035, 43.160.040, 43.160.050, 43.160.060, 43.160.070, 43.160.073, 43.160.074, 43.160.076, 43.160.078, 43.160.080, 43.160.090, 43.160.100, 43.160.110, 43.160.115, 43.160.120, 43.160.130, 43.160.140, 43.160.150, 43.160.160, 43.160.170, 43.160.180, 43.160.900, 43.160.901, and 43.160.902; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 5777 by Senators Moore, McDermott, Williams and Talmadge

AN ACT Relating to insurance information and privacy protection; adding a new chapter to Title 48 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Financial Institutions.

SB 5778 by Senators Vognild, Sellar, Wojahn, McCaslin, Metcalf, Rasmussen, Anderson and Zimmerman

AN ACT Relating to prohibiting minors access to commercial establishments which provide matter which is harmful to minors; adding new sections to chapter 26.28 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5779 by Senators Vognild, Bender, Sellar, Wojahn, McCaslin, Metcalf, Rasmussen, Zimmerman and Garrett

AN ACT Relating to vehicle mechanical breakdown insurers; adding a new chapter to Title 48 RCW; and declaring an emergency.

Referred to Committee on Financial Institutions.

SB 5780 by Senators Bottiger and Hayner

AN ACT Relating to investment of campaign funds; and amending RCW 42.17.060.

Referred to Committee on Governmental Operations.

SB 5781 by Senators Moore, Kiskaddon, Bender, McDermott, Talmadge, Warnke, Hansen, Rinehart and Fleming

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

Referred to Committee on Ways and Means.

SB 5782 by Senators Nelson and West

AN ACT Relating to exemptions from the watercraft excise tax; and amending RCW 82.49.020.

Referred to Committee on Ways and Means.

SB 5783 by Senators Nelson, Owen and Metcalf

AN ACT Relating to lobbyists; and adding a new section to chapter 42.17 RCW.

Referred to Committee on Judiciary.

SB 5784 by Senators Nelson, Kreidler, Metcalf and Owen

AN ACT Relating to shoreline management; and amending RCW 90.58.020 and 90.58.030.

Referred to Committee on Parks and Ecology.

SB 5785 by Senators Hansen and Bauer

AN ACT Relating to noxious weed control; amending RCW 17.10.010, 17.10.030, 17.10.040, 17.10.050, 17.10.060, 17.10.070, 17.10.080, 17.10.090, 17.10.100, 17.10.110, 17.10.120, 17.10.130, 17.10.150, 17.10.160, 17.10.170, 17.10.180, 17.10.190, 17.10.200, 17.10.210, 17.10.220, 17.10.230, 17.10.235, 17.10.240, 17.10.250, 17.10.260, 17.10.270, 35A.56.010, and 43.51.407; adding new sections to chapter 17.10 RCW; repealing RCW 17.04.010, 17.04.030, 17.04.050, 17.04.070, 17.04.150, 17.04.160, 17.04.170, 17.04.180, 17.04.190, 17.04.200, 17.04.210, 17.04.220, 17.04.230, 17.04.240, 17.04.245, 17.04.250, 17.04.260, 17.04.270, 17.06.010, 17.06.020, 17.06.030, 17.06.040, 17.06.050, 17.06.060, 17.06.070, 17.08.010, 17.08.020, 17.08.050, 17.08.060, 17.08.070, 17.08.080, 17.08.090, 17.08.100, 17.08.110, 17.08.120, 17.08.130, 17.08.140, 17.08.150, 17.10.220, and 17.10.900; and prescribing penalties.

Referred to Committee on Agriculture.

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

## SECOND READING

SENATE BILL NO. 5130, by Senators Warnke and Conner

Revising provisions on sales of liquor by the bottle by class H licensees.

## MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 5130 was substituted for Senate Bill No. 5130 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Warnke, the rules were suspended, Substitute Senate Bill No. 5130 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5130.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5130 and the bill passed the Senate by the following vote: Yeas, 38; nays, 2; absent, 7; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Hansen, Hayner, Johnson, Kiskaddon, Lee, McDermott, McDonald, Moore, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Stratton, Tanner, Vognild, Warnke, West, Williams, Wojahn, Zimmerman - 38.

Voting nay: Senators Craswell, Metcalf - 2.

Absent: Senators Halsan, Kreidler, McCaslin, Nelson, Owen, Rinehart, Talmadge - 7.

Excused: Senators Peterson, von Reichbauer - 2.

SUBSTITUTE SENATE BILL NO. 5130, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5110, by Senators Gaspard, Bauer, Bailey, Bender, Patterson, Smitherman, Warnke, Saling, Anderson, Zimmerman, Kiskaddon, Rinehart, Garrett, von Reichbauer and Moore

Changing provisions relating to tuition and fee waivers for recipients of the Washington scholars award.

The bill was read the second time.

## MOTIONS

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

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 2, chapter 54, Laws of 1981 and RCW 28A.58.822 are each amended to read as follows:

There is established by the legislature of the state of Washington the Washington state scholars program. The purposes of this program annually are to:

(1) Provide for the selection of three seniors graduating from high schools in each legislative district who have distinguished themselves academically among their peers.

(2) Maximize public awareness of the academic achievement, leadership ability, and community contribution of Washington state public and private high school seniors through appropriate recognition ceremonies and events at both the local and state level.

(3) Provide a listing of the Washington scholars to all Washington state public and private colleges and universities to facilitate communication regarding academic programs and scholarship availability.

(4) Make available a state level mechanism for utilization of private funds for scholarship awards to outstanding high school seniors.

(5) Provide, on written request and with student permission, a listing of the Washington scholars to private scholarship selection committees for notification of scholarship availability.

(6) Permit a waiver of tuition and services and activities fees as provided for in RCW 28B.15.543.

Sec. 2. Section 17, chapter 278, Laws of 1984 as amended by section 16, chapter 341, Laws of 1985 and by section 68, chapter 370, Laws of 1985 and by section 30, chapter 390, Laws of 1985 and RCW 28B.15.543 are each reenacted and amended to read as follows:

~~((+))~~ The boards of regents and trustees of the regional universities, state universities, ~~((and))~~ The Evergreen State College, and the community colleges shall waive tuition and service and activities fees for ~~((two years for))~~ recipients of the Washington scholars award under RCW 28A.58.820 through 28A.58.830 for undergraduate studies. To qualify for the waiver, recipients shall enter the college or university within three years of high school graduation and maintain a minimum grade point average at the college or university equivalent to ~~((3.50~~

~~((2) The higher education coordinating board shall report to the legislature on or before January 15, 1986, on the tuition waivers for the Washington scholars program. The report shall include an evaluation and recommendations on the effect of extending the waivers for a period of four years))~~ 3.30. Students shall be eligible for waivers for a maximum of twelve quarters or eight semesters and may transfer among state institutions of higher education during that period and continue to have the tuition and services and activities fees waived by the state institution of higher education that the student attends. Should the student's cumulative grade point average fall below 3.30 during the first three quarters or two semesters, that student may petition the higher education coordinating board which shall have the authority to

establish a probationary period until such time as the student's grade point average meets required standards.

NEW SECTION. Sec. 3. The amendments to RCW 28B.15.543 by section 2 of this act shall apply to persons holding the Washington scholars award as of the effective date of this section as well as persons holding the award after the effective date of this section."

On motion of Senator Gaspard, the following title amendments were considered simultaneously and adopted:

On page 1, line 2 of the title, after "28A.58.822;" strike "and"

On page 1, line 2 of the title, after "28B.15.543" insert "; and creating a new section"

#### MOTION

On motion of Senator Gaspard, the rules were suspended, Engrossed Senate Bill No. 5110 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5110.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5110 and the bill passed the Senate by the following vote: Yeas, 45; absent, 3; excused, 1.

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

Absent: Senators Kreidler, Owen, Talmadge - 3.

Excused: Senator Peterson - 1.

ENGROSSED SENATE BILL NO. 5110, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### STATEMENT FOR THE JOURNAL

February 11, 1987

I was unable to be on the floor for consideration of Senate Bill No. 5110 and Senate Bill No. 5130, due to a Senate Judiciary Committee meeting in the John A. Cherberg Building. I would have voted 'aye' on both bills.

PHIL TALMADGE,  
Senator, 34th District

#### MOTION

At 9:55 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 11:04 a.m. by President Cherberg.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 445, by Committee on Commerce and Labor (originally sponsored by Representatives Wang, Jacobsen, Sayan, R. King, Lux, Wineberry, Brekke, Fisher, Niemi, Leonard, P. King, Dellwo, Cole, Basich, Heavey, Unsoeld and Todd)

Authorizing unemployment compensation for certain locked-out workers.

The bill was read the second time.

#### MOTION

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

On page 1, line 15, after "(1)" insert "(a)"

On page 1, line 28, after "agent;" insert: "and"

(b) The individual has been locked out for four or more weeks.

Benefits shall be payable to an otherwise eligible individual beginning with the fourth week in which the individual is unemployed due to a lockout;

Debate ensued.

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

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

#### MOTION

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

On page 1, line 28, after "agent" and before the semicolon, insert: "

This subsection (1) shall have no effect on and after December 27, 1987"

#### MOTION

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

On page 1, line 19, after "process" strike all new language through "in" on page 23 and insert "and if"

On page 1, line 24, after "lockout" strike "unless the employer's last offer"

Debate ensued.

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

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

#### ROLL CALL

The Secretary called the roll and the motion by Senator Lee failed and the amendments were not adopted by the following vote: Yeas, 23; nays, 25; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, von Reichbauer, West, Zimmerman - 23.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Metcalf, Moore, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognlild, Warnke, Williams, Wojahn - 25.

Excused: Senator Peterson - 1.

#### MOTION

Senator Lee moved that the following amendment be adopted:

On page 2, following line 12, insert a new subsection as follows:

"(c) In the event that the last offer of the employer was equal to or in excess of the last ratified collective bargaining agreement in existence between the employer and the employees, said employees shall not be entitled to benefits."

Debate ensued.

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

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

#### ROLL CALL

The Secretary called the roll and the motion by Senator Lee failed, the President voting 'nay', and the amendment was not adopted by the following vote: Yeas, 24; nays, 24; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, von Reichbauer, West, Zimmerman - 24.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Moore, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognlild, Warnke, Williams, Wojahn - 24.

Excused: Senator Peterson - 1.

#### MOTIONS

On motion of Senator Vognlild, the rules were suspended, Engrossed Substitute House Bill No. 445, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Vognlild, further consideration of Engrossed Substitute House Bill No. 445, as amended by the Senate, was deferred.

## SECOND READING

SENATE BILL NO. 5136, by Senators Owen, Bender, Warnke, Conner, Stratton and Garrett

Issuing special license plates to Pearl Harbor survivors.

## MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 5136 was substituted for Senate Bill No. 5136 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the rules were suspended, Substitute Senate Bill No. 5136 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5136.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5136 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator Peterson - 1.

SUBSTITUTE SENATE BILL NO. 5136, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5164, by Senators Williams, Stratton, Tanner, Bauer, Bender, Conner, DeJarnatt, Halsan, Hansen, Talmadge, Garrett, Gaspard, Rasmussen, Wojahn, Owen, Smitherman, Rinehart, Peterson and Moore

Establishing an interstate agreement on the transportation of radioactive materials.

The bill was read the second time.

## MOTIONS

On motion of Senator Williams, the following Committee on Energy and Utilities amendments were considered simultaneously and adopted:

On page 4, line 32, after "Sec. 2." insert "(1)"

On page 4, line 33, after "RCW." insert:

"(2) The Washington State designee to the committee shall be appointed by the governor."

On motion by Senator Williams, the following amendment was adopted:

On page 3, line 31, after "material" insert "and with affected Indian tribes"

## MOTION

On motion of Senator Williams, the rules were suspended, Engrossed Senate Bill No. 5164 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5164.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5164 and the bill passed the Senate by the following vote: Yeas, 43; nays, 5; excused, 1.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Moore, Nelson, Newhouse, Owen, Pullen,

Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senators Barr, Benitz, Deccio, Metcalf, Patterson - 5.

Excused: Senator Peterson - 1.

ENGROSSED SENATE BILL NO. 5164, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5203, by Senators Gaspard, Benitz, McDermott, Bailey, Bauer, Johnson, Bender, Saling, Smitherman, Warnke, Rinehart, von Reichbauer, Barr, Garrett and Moore; by request of Commission for Vocational Education

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

The bill was read the second time.

## MOTION

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

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 6, chapter 267, Laws of 1984 as amended by section 31, chapter 390, Laws of 1985 and RCW 28B.15.545 are each amended to read as follows:

The boards of regents and trustees of the state universities, regional universities, The Evergreen State College, and the community colleges shall waive tuition and services and activities fees for a maximum of ~~((one academic year))~~ six quarters or four semesters for recipients of the Washington award for vocational excellence established under RCW 28C.04.520 through 28C.04.540. To qualify for the waiver, recipients shall enter the college or university within three years of receiving the award. A minimum grade point average at the college or university equivalent to 3.00 in the first year shall be required to qualify for the second-year waiver. The tuition waiver shall be granted for undergraduate studies only.

Sec. 2. Section 3, chapter 267, Laws of 1984 and RCW 28C.04.530 are each amended to read as follows:

(1) The commission for vocational education or a successor agency shall have the responsibility for the development and administration of the Washington award for vocational excellence program. The commission or successor agency shall develop the program in consultation with other state agencies and private organizations having interest and responsibility in vocational education, including but not limited to: The state board for community college education, the office of the superintendent of public instruction, a voluntary professional association of vocational educators, and representatives from business, labor, and industry.

(2) The commission or successor agency shall establish a planning committee to develop the criteria for screening and selecting the students who will receive the award. This criteria shall include but not be limited to the following characteristics: Proficiency in their chosen fields, attendance, attitude, character, leadership, and civic contributions.

Sec. 3. Section 2, chapter 267, Laws of 1984 and RCW 28C.04.525 are each amended to read as follows:

The Washington award for vocational excellence program is established. The purposes of this annual program are to:

(1) Maximize public awareness of the achievements, leadership ability, and community contributions of the state's public vocational-technical students;

(2) Emphasize the dignity of work in our society;

(3) Instill respect for those who become skilled in crafts and technology;

(4) Recognize the value of vocational education and its contribution to the economy of this state;

(5) Foster business, labor, and community involvement in vocational-technical training programs and in this award program; and

(6) Recognize the outstanding achievements of up to three ~~((graduating))~~ vocational or technical students, at least two of whom should be graduating high school students, in each legislative district. Students who have completed at least one year of a vocational-technical program in a community college or public vocational-technical institute may also be recognized.

Sec. 4. Section 7, chapter 267, Laws of 1984 and RCW 28C.04.545 are each amended to read as follows:

The respective governing boards of the public vocational-technical institutes shall provide fee waivers for a maximum of ~~((one school))~~ two years for recipients of the Washington award for vocational excellence established under RCW 28C.04.520 through 28C.04.540. To qualify for

the waiver, recipients shall enter the public vocational-technical institute within three years of receiving the award. An above average rating at the vocational-technical institute in the first year shall be required to qualify for the second-year waiver.

NEW SECTION. Sec. 5. A new section is added to chapter 28B.15 RCW to read as follows: Students receiving the Washington award for vocational excellence in 1987 and thereafter are eligible for a second-year waiver.

NEW SECTION. Sec. 6. Section 3 of this act shall take effect January 1, 1988."

#### MOTION

On motion of Senator Gaspard, the rules were suspended, Engrossed Senate Bill No. 5203 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5203.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5203 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator Peterson - 1.

ENGROSSED SENATE BILL NO. 5203, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5254, by Senators Warnke, Tanner, Smitherman, West, Johnson, Newhouse, Bender, Bailey, Zimmerman, Lee, Garrett, Vognild and Moore

Increasing penalties for the sale of liquor to minors.

#### MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 5254 was substituted for Senate Bill No. 5254 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Warnke, the rules were suspended, Substitute Senate Bill No. 5254 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Patterson: "Senator Warnke, I am just wondering what kind of arrangement there might be made. You know I live in an area where you go into the state of Idaho and you can buy liquor at these ages and once it is purchased in Idaho and brought back across the border into Washington, what impact does this bill have on those people that bought it legally in Idaho and now, are in illegal possession in the state of Washington?"

Senator Warnke: "Senator Barr has the answer to that. Idaho just passed a bill yesterday that changes the age to a twenty-one year old person to buy alcoholic beverages, so I don't think we will have to face that."

Senator Patterson: "Is that right? Did they pass it? The Legislature passed it, is that the message you are sending me? And the Governor has signed it into law? Now yet? That is delightful news, Senator. I really appreciate that."

#### MOTION

On motion of Senator Zimmerman, Senator Bluechel was excused.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5254.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5254 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

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

Absent: Senator Moore - 1.

Excused: Senators Bluechel, Peterson - 2.

SUBSTITUTE SENATE BILL NO. 5254, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 11:45 a.m., on motion of Senator Vognild, the Senate recessed until 2:30 p.m.

## AFTERNOON SESSION

The Senate was called to order at 2:30 p.m. by President Cherberg.

## MOTION

At 2:30 p.m., on motion of Senator Vognild, the Senate adjourned until 11:30 a.m., Thursday, February 12, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## THIRTY-SECOND DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Thursday, February 12, 1987

The Senate was called to order at 11:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Tanner.

The Sergeant at Arms Color Guard, consisting of Pages Eric Simpson and Andy Collins, presented the Colors. Reverend Dan Secrist, pastor of the Faith Assembly Church of Lacey, offered the prayer.

#### MOTION

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

#### MESSAGES FROM THE HOUSE

February 6, 1987

Mr. President:

The Speaker has signed:

HOUSE CONCURRENT RESOLUTION NO. 4401, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

February 11, 1987

Mr. President:

The House has passed:

SENATE BILL NO. 5015, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

February 11, 1987

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 13,

SUBSTITUTE HOUSE BILL NO. 188,

SUBSTITUTE HOUSE BILL NO. 232,

HOUSE BILL NO. 315, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 4401.

The President signed:

SENATE BILL NO. 5015.

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

#### SECOND READING

SENATE BILL NO. 5172, by Senators Talmadge, Nelson, Halsan, Hayner, Newhouse and Moore

Revising provisions relating to victims and witnesses of crimes.

The bill was read the second time.

#### MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 5172 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5172.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5172 and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

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

Absent: Senator Tanner - 1.

SENATE BILL NO. 5172, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 445, as amended by the Senate, deferred on third reading February 11, 1987.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 445, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 445, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 26; nays, 23.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Metcalf, Moore, Peterson, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn, Zimmerman - 26.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Nelson, Newhouse, Owen, Patterson, Pullen, Saling, Sellar, von Reichbauer, West - 23.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 445, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Vognild, Engrossed Substitute House Bill No. 445, as amended by the Senate, was ordered immediately transmitted to the House of Representatives.

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

#### MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENT

February 12, 1987

#### CORRECTED LETTER\*

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

I have the honor to submit the following appointment, subject to your confirmation.

Mary Faulk, appointed August 13, 1986, for a term ending at the Governor's pleasure, as Director of the Department of General Administration.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

\*See Gubernatorial Appointment No. 9049

MOTION

At 11:58 a.m., on motion of Senator Vognild, the Senate adjourned until 9:30 a.m., Friday, February 13, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

### THIRTY-THIRD DAY

#### MORNING SESSION

Senate Chamber, Olympia, Friday, February 13, 1987

The Senate was called to order at 9:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Cantu, Craswell, Deccio, McDermott, Nelson, Peterson and Rasmussen. On motion of Senator Zimmerman, Senator Cantu was excused. On motion of Senator Conner, Senators McDermott and Peterson were excused.

The Sergeant at Arms Color Guard, consisting of Pages Daryn Trimble and Jason Copeland, presented the Colors. Reverend Dan Secrist, pastor of the Faith Assembly Church of Lacey, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

February 11, 1987

SB 5050 Prime Sponsor, Senator Vognild: Revising provisions relating to commercial salmon fishing. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators DeJarnatt, Vice Chairman; Barr, Craswell, McDonald, Melcalf, Patterson.

Passed to Committee on Rules for second reading.

February 10, 1987

SB 5135 Prime Sponsor, Senator Owen: Permitting persons to fish without a license on certain inaccessible owner-stocked lakes. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5135 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; DeJarnatt, Vice Chairman; Barr, Craswell, Patterson, Stratton.

Passed to Committee on Rules for second reading.

February 9, 1987

SB 5163 Prime Sponsor, Senator Wojahn: Changing provisions relating to midwives. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5163 be substituted therefor, and the substitute bill do pass. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Tanner.

Passed to Committee on Rules for second reading.

February 10, 1987

SB 5175 Prime Sponsor, Senator Hansen: Modifying definition of farm and agricultural land for property tax purposes. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Bauer, Vice Chairman; Anderson, Bailey, Barr, Gaspard.

Passed to Committee on Rules for second reading.

February 10, 1987

SB 5182 Prime Sponsor, Senator Hansen: Revising the administration of the business and occupation tax statutes. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 5182 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Chairman; Bauer, Vice Chairman; Anderson, Bailey, Barr, Gaspard.

Passed to Committee on Rules for second reading.

February 11, 1987

SB 5206 Prime Sponsor, Senator Talmadge: Authorizing additional superior court judges. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5206 as recommended by Committee on Judiciary be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Deccio, Fleming, Hayner, Kreidler, Lee, Owen, Rasmussen, Rinehart, Talmadge, Vognild, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 11, 1987

SB 5249 Prime Sponsor, Senator Talmadge: Clarifying payment of court filing fees. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5249 as recommended by Committee on Judiciary be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Cantu, Craswell, Deccio, Fleming, Kreidler, Lee, McDonald, Owen, Rasmussen, Rinehart, Talmadge, Vognild, Warnke, Zimmerman.

Passed to Committee on Rules for second reading.

February 10, 1987

SB 5260 Prime Sponsor, Senator Wojahn: Providing procedures for disclosure about adoption. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Tanner.

Passed to Committee on Rules for second reading.

February 10, 1987

SB 5288 Prime Sponsor, Senator Smitherman: Providing reimbursement for institutional care employees of the department of veterans affairs who are victims of assault. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5288 be substituted therefor, and the substitute bill do pass. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Tanner.

Passed to Committee on Rules for second reading.

February 11, 1987

SB 5300 Prime Sponsor, Senator Halsan: Regulating payment of state employee moving expenses. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5300 be substituted therefor, and the substitute bill do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Talmadge.

Passed to Committee on Rules for second reading.

February 10, 1987

SB 5321 Prime Sponsor, Senator Fleming: Providing for lower property tax on buildings used for low-income housing. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Fleming, Kreidler, Moore, Owen, Rinehart, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 10, 1987

SB 5345 Prime Sponsor, Senator McDermott: Revising the property tax exemption for associations producing and performing musical, dance, etc. works. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5345 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Fleming, Kreidler, Owen, Rinehart, Saling, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 11, 1987

SB 5364 Prime Sponsor, Senator Gaspard: Changing name of state boxing commission to state athletic commission. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5364 be substituted therefor, and the substitute bill do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

February 10, 1987

SB 5381 Prime Sponsor, Senator Hansen: Revising requirements for custom slaughtering facilities. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Bauer, Vice Chairman; Anderson, Bailey, Barr, Gaspard.

Passed to Committee on Rules for second reading.

February 11, 1987

SB 5395 Prime Sponsor, Senator Gaspard: Providing funds for the protection and preservation of small town historical records. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Zimmerman.

Passed to Committee on Rules for second reading.

February 11, 1987

SB 5396 Prime Sponsor, Senator Halsan: Revising provisions on inactive real estate licenses. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

February 10, 1987

SB 5399 Prime Sponsor, Senator Kreidler: Controlling pollution from smoking. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 5399 be substituted therefor, and the substitute bill do pass. Signed by Senators Kreidler, Chairman; Rinehart, Vice Chairman; Bluechel, Kiskaddon.

Passed to Committee on Rules for second reading.

February 10, 1987

SB 5418 Prime Sponsor, Senator Tanner: Authorizing deductions from retirement allowance for state patrol memorial fund. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Vice Chairman; Tanner, Vice Chairman; Bailey, Barr, Bender, DeJarnatt, Garrett, Johnson, Patterson, Smitherman, West.

Passed to Committee on Rules for second reading.

February 10, 1987

SB 5478 Prime Sponsor, Senator Rinehart: Changing provisions relating to school-based day care. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Patterson.

Passed to Committee on Rules for second reading.

February 10, 1987

SB 5483 Prime Sponsor, Senator Patterson: Authorizing certain leaves of absence to be credited toward higher education retirement benefits. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Owen, Rasmussen, Saling, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 10, 1987

SB 5512 Prime Sponsor, Senator Gaspard: Revising provisions relating to service credit under the public employees retirement system. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5512 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Kreidler, McDonald, Owen, Saling, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 10, 1987

SB 5513 Prime Sponsor, Senator Gaspard: Revising provisions relating to withdrawal, restoration, and interest on state patrol retirement contributions. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Kreidler, McDonald, Owen, Saling, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 10, 1987

SB 5536 Prime Sponsor, Senator Garrett: Revising provisions relating to the scenic river system. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass. Signed by Senators Kreidler, Chairman; Rinehart, Vice Chairman; Bluechel, Hansen, Kiskaddon.

Passed to Committee on Rules for second reading.

February 10, 1987

SB 5570 Prime Sponsor, Senator Kreidler: Providing for regulation of incinerator residues. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 5570 be substituted therefor, and the substitute bill do pass. Signed by Senators Kreidler, Chairman; Bluechel, Hansen, Kiskaddon.

MINORITY recommendation: Do not pass. Signed by Senator Rinehart, Vice Chairman.

Passed to Committee on Rules for second reading.

February 10, 1987

SJR 8210 Prime Sponsor, Senator Fleming: Amending constitution to allow current use property valuation for tax purposes on low-income housing. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Fleming, Kreidler, Moore, Owen, Rinehart, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 9, 1987

SCR 8406 Prime Sponsor, Senator Owen: Creating joint committee on marine and ocean resources. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Owen, Chairman; DeJarnatt, Vice Chairman; Barr, Conner, McDonald, Metcalf, Stratton.

Passed to Committee on Rules for second reading.

## INTRODUCTION AND FIRST READING

SB 5786 by Senators Kreidler and Bluechel

AN ACT Relating to sewer connections; amending RCW 35.92.025; adding a new section to chapter 35.92 RCW; adding a new section to chapter 36.94 RCW; and adding a new section to chapter 54.16 RCW.

Referred to Committee on Governmental Operations.

SB 5787 by Senators Warnke and Smitherman

AN ACT Relating to mobile homes; and adding new sections to chapter 59.20 RCW.

Referred to Committee on Commerce and Labor.

SB 5788 by Senators Tanner and Warnke (by request of Joint Select Committee on Industrial Insurance)

AN ACT Relating to reimbursement of self-insured employers' sickness and accident funds; and adding a new section to chapter 51.32 RCW.

Referred to Committee on Commerce and Labor.

SB 5789 by Senator Warnke

AN ACT Relating to prohibited labor practices; amending RCW 49.60.180; and adding a new section to chapter 49.44 RCW.

Referred to Committee on Commerce and Labor.

SB 5790 by Senator Warnke

AN ACT Relating to mechanics and materialmen's liens; and amending RCW 60.04-.230 and 18.27.210.

Referred to Committee on Commerce and Labor.

SB 5791 by Senator Warnke

AN ACT Relating to tourism.

Referred to Committee on Commerce and Labor.

SB 5792 by Senator Warnke

AN ACT Relating to promotion of Washington products.

Referred to Committee on Commerce and Labor.

SB 5793 by Senator Warnke

AN ACT Relating to consumer protection.

Referred to Committee on Commerce and Labor.

SB 5794 by Senator Warnke

AN ACT Relating to health studios.

Referred to Committee on Commerce and Labor.

SB 5795 by Senator Warnke

AN ACT Relating to lottery proceeds.

Referred to Committee on Commerce and Labor.

SB 5796 by Senator Warnke

AN ACT Relating to the department of employment security.

Referred to Committee on Commerce and Labor.

SB 5797 by Senator Warnke

AN ACT Relating to the department of labor and industries.

Referred to Committee on Commerce and Labor.

SB 5798 by Senator Warnke

AN ACT Relating to fire service.

Referred to Committee on Commerce and Labor.

SB 5799 by Senator Warnke

AN ACT Relating to unemployment compensation.

Referred to Committee on Commerce and Labor.

SB 5800 by Senator Warnke

AN ACT Relating to unemployment compensation.

Referred to Committee on Commerce and Labor.

SB 5801 by Senator Warnke

AN ACT Relating to industrial insurance.

Referred to Committee on Commerce and Labor.

SB 5802 by Senator Warnke

AN ACT Relating to compensation for school district employees.

Referred to Committee on Commerce and Labor.

SB 5803 by Senator Warnke

AN ACT Relating to distressed areas.

Referred to Committee on Commerce and Labor.

SB 5804 by Senator Warnke

AN ACT Relating to distressed areas.

Referred to Committee on Commerce and Labor.

SB 5805 by Senator Warnke

AN ACT Relating to state bond ceiling allocations.

Referred to Committee on Commerce and Labor.

SB 5806 by Senator Warnke

AN ACT Relating to venture capital for small business.

Referred to Committee on Commerce and Labor.

SB 5807 by Senator Warnke

AN ACT Relating to state government.

Referred to Committee on Commerce and Labor.

SB 5808 by Senator Warnke

AN ACT Relating to state government.

Referred to Committee on Commerce and Labor.

SB 5809 by Senator Warnke

AN ACT Relating to government reorganization.

Referred to Committee on Commerce and Labor.

SB 5810 by Senator Warnke

AN ACT Relating to consumer protection and regulation of professionals.

Referred to Committee on Commerce and Labor.

SB 5811 by Senator Warnke

AN ACT Relating to people of disability.

Referred to Committee on Commerce and Labor.

SB 5812 by Senator Warnke

AN ACT Relating to nonprofit/competition.

Referred to Committee on Commerce and Labor.

SB 5813 by Senator Warnke

AN ACT Relating to licensing agreements.

Referred to Committee on Commerce and Labor.

SB 5814 by Senator Warnke

AN ACT Relating to mobile homes.

Referred to Committee on Commerce and Labor.

SB 5815 by Senator Warnke

AN ACT Relating to housing.

Referred to Committee on Commerce and Labor.

SB 5816 by Senator Warnke

AN ACT Relating to small business.

Referred to Committee on Commerce and Labor.

SB 5817 by Senator Warnke

AN ACT Relating to economic development.

Referred to Committee on Commerce and Labor.

SB 5818 by Senator Warnke

AN ACT Relating to franchises.

Referred to Committee on Commerce and Labor.

SB 5819 by Senators DeJarnatt, Rasmussen, Metcalf, Conner and Owen

AN ACT Relating to retail sales and use taxation of diesel fuel; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Ways and Means.

SB 5820 by Senators Kreidler, Bluechel, Kiskaddon and Bottiger

AN ACT Relating to the development of policy for offshore resources; adding new sections to chapter 90.58 RCW; and creating a new section.

Referred to Committee on Natural Resources.

SB 5821 by Senators Rinehart, Patterson, Gaspard, Saling and Anderson

AN ACT Relating to reciprocal tuition and fee programs; amending RCW 28B.15.754 and 28B.15.758; repealing section 6, chapter 166, Laws of 1983, section 78, chapter 370, Laws of 1985 (uncodified); providing an effective date; and declaring an emergency.

Referred to Committee on Education.

SB 5822 by Senators Garrett, McCaslin and Rasmussen

AN ACT Relating to approval of short plats and short subdivisions; and amending RCW 58.17.060.

Referred to Committee on Governmental Operations.

SB 5823 by Senators Moore, Metcalf and Fleming

AN ACT Relating to banks and trust companies; amending RCW 30.04.232, 30.04.060, 30.04.075, and 30.04.410; adding new sections to chapter 30.04 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Financial Institutions.

SB 5824 by Senators Halsan, Nelson, Talmadge and Bauer

AN ACT Relating to assault at state corrections institutions and local detention facilities; amending RCW 9A.36.041; adding a new section to chapter 9A.36 RCW; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5825 by Senators Conner and Talmadge

AN ACT Relating to horizontal property regimes; amending RCW 64.32.100; and adding a new section to chapter 64.32 RCW.

Referred to Committee on Judiciary.

SB 5826 by Senator Talmadge

AN ACT Relating to remittal of court costs to the state treasury; and amending RCW 3.46.120, 3.50.100, 3.62.020, 3.62.040, 10.82.070, and 35.20.220.

Referred to Committee on Judiciary.

SB 5827 by Senators Moore and Newhouse

AN ACT Relating to liability of directors of cooperative associations; and amending RCW 23.86.050, 24.32.070, 23.86.030, and 24.32.020.

Referred to Committee on Judiciary.

SB 5828 by Senators Stratton, McDonald, Patterson, Owen, Barr and Moore

AN ACT Relating to private salmon hatcheries; adding a new chapter to Title 75 RCW; and creating a new section.

Referred to Committee on Natural Resources.

SB 5829 by Senators Talmadge, Fleming, Bender, McDermott, Wojahn, Bauer and Rasmussen

AN ACT Relating to insurance; and adding a new chapter to Title 48 RCW.

Referred to Committee on Financial Institutions.

SB 5830 by Senators Deccio, Wojahn, Lee, Stratton, Kiskaddon, Anderson, Kreidler, Johnson, Tanner and Rinehart

AN ACT Relating to organ transplants; and amending RCW 70.54.120.

Referred to Committee on Human Services and Corrections.

SB 5831 by Senators Wojahn, Smitherman, Warnke, Lee, Vognild, Cantu, Anderson, Newhouse, Bailey, McCaslin, Moore, Metcalf and Johnson

AN ACT Relating to regulatory flexibility for small businesses; amending RCW 19.85.020, 19.85.030, 19.85.040, and 34.04.070; and adding new sections to chapter 19.85 RCW.

Referred to Committee on Commerce and Labor.

SB 5832 by Senator Bender

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

Referred to Committee on Commerce and Labor.

SB 5833 by Senators Talmadge, Nelson, Halsan and Newhouse

AN ACT Relating to criminal defense; amending RCW 2.32.240, 4.88.330, and 36.26-.070; adding a new chapter to Title 2 RCW; adding a new chapter to Title 10 RCW; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5834 by Senators Gaspard, Bailey, Bauer and Benitz

AN ACT Relating to environmental education; and amending RCW 28A.05.010.

Referred to Committee on Education.

SB 5835 by Senators Wojahn, Anderson, Kreidler, Deccio, Tanner, Johnson and Sellar

AN ACT Relating to the state board of medical examiners; and amending RCW 18.71.015.

Referred to Committee on Human Services and Corrections.

SB 5836 by Senators Warnke, Metcalf and Smitherman

AN ACT Relating to asbestos projects; amending RCW 49.26.100, 49.26.110, 49.26.120, 49.26.130, and 49.26.140; adding new sections to chapter 49.26 RCW; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SB 5837 by Senators Conner, Owen, Rasmussen and Warnke

AN ACT Relating to preservation of contracts in railroad acquisitions and divestments; and creating a new chapter in Title 81 RCW.

Referred to Committee on Transportation.

SB 5838 by Senators McDermott, Talmadge, Warnke, Wojahn, Smitherman and Bailey

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

Referred to Committee on Commerce and Labor.

SB 5839 by Senator Wojahn

AN ACT Relating to education; amending RCW 28B.50.060 and 28C.04.080; adding new sections to chapter 28A.03 RCW; adding a new section to chapter 28B.50 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Education.

SB 5840 by Senators Bailey, Rinehart, Patterson, Bauer, Saling, Anderson, Zimmerman, Stratton, Sellar, Barr, Johnson, Craswell, Kiskaddon, Benitz, West, Nelson and Pullen

AN ACT Relating to school enhancement and accountability; creating new sections; making an appropriation; and declaring an emergency.

Referred to Committee on Education.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 13 by Committee on Environmental Affairs (originally sponsored by Representatives Valle, Rust, Brekke, Jacobsen and Nelson)

Regulating smoking in the workplace.

Referred to Committee on Commerce and Labor.

SHB 188 by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Fisher, Barnes, Pruitt and Unsoeld) (by request of Secretary of State)

Specifying the time for filing initiatives and referendums.

Referred to Committee on Governmental Operations.

SHB 232 by Committee on Agriculture and Rural Development (originally sponsored by Representatives Rayburn and Nealey) (by request of Department of Ecology)

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

Referred to Committee on Agriculture.

HB 315 by Representatives Grimm and Miller (by request of Office of Financial Management)

Making a supplemental appropriation for the citizens' commission on salaries for elected officials.

Hold.

#### MOTION

On motion of Senator Vognild, the rules were suspended, House Bill No. 315 was advanced to second reading and placed on the second reading calendar.

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

#### SECOND READING

SENATE BILL NO. 5013, by Senators Garrett, Zimmerman and Halsan

Permitting counties and cities to vacate public roads and streets abutting water under certain circumstances.

The bill was read the second time.

#### MOTION

On motion of Senator Garrett, the rules were suspended, Senate Bill No. 5013 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5013.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5013 and the bill passed the Senate by the following vote: Yeas, 41; nays, 1; absent, 4; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 41.

Voting nay: Senator Pullen - 1.

Absent: Senators Craswell, Deccio, Nelson, Rasmussen - 4.

Excused: Senators Cantu, McDermott, Peterson - 3.

SENATE BILL NO. 5013, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

#### MOTION

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

#### SENATE RESOLUTION 1987-8611

by Senators Rasmussen, Williams, Bauer, Barr, Benitz, Tanner, DeJarnatt, Vognild and Zimmerman

WHEREAS, The Bonneville Power Administration proposed on December 29, 1986, to increase its electric rates by as much as fifteen percent; and

WHEREAS, The Bonneville Power Administration also has proposed a possible second rate increase in 1988 of up to 10 percent; and

WHEREAS, Many electric utilities that buy power from the Bonneville Power Administration have expressed concern over the proposed rate increases and their effect on local economies; and

WHEREAS, There is considerable concern that such rate increases would further reduce the Bonneville Power Administration's sales and enlarge the current electricity surplus, especially since oil and gas prices in the Pacific Northwest have dropped twenty-five to forty-five percent in the past year; and

WHEREAS, The Senate recognizes that the Bonneville Power Administration has an obligation to make scheduled payments to the federal treasury in full and on time and that the Pacific Northwest region has firmly committed itself to such repayments; and

WHEREAS, The proposed rate increases are in part the result of plans to increase the Bonneville Power Administration's program spending by some \$334 million per year, or fifteen percent; and

WHEREAS, The Senate is concerned that the Bonneville Power Administration receive any rate increase necessary to maintain its financial health and meet its obligations, but that any rate increase be held to the minimum sufficient to accomplish this goal; and

WHEREAS, Some of the Bonneville Power Administration's costs are beyond the agency's direct control and can be addressed only by Congress, such as increases in ratepayer-funded costs of the Corps of Engineers and the Bureau of Reclamation; and

WHEREAS, The Bonneville Power Administration's proposed budget contains risk mitigation measures that might be unnecessary with an annual rate review process; and

WHEREAS, Further scrutiny might reveal other areas where the Bonneville Power Administration's budget could be reduced without affecting the long-term costs of power;

NOW, THEREFORE, BE IT RESOLVED, That the Senate express its concern that the Bonneville Power Administration's proposed budget be given careful scrutiny, that the Bonneville Power Administration be required to demonstrate that any rate increase is necessary to meet its payments to the federal treasury and costs beyond the agency's direct control and that an annual rate review be considered to reduce the need for budget contingencies; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to each member of Congress from the states of Washington, Idaho, Oregon and Montana.

Senators Williams and Benitz spoke to the resolution.

#### MOTION

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

#### SENATE RESOLUTION 1987-8612

by Senators Gaspard, Rinehart, Fleming, Metcalf, Kiskaddon, Patterson, Conner, Johnson and Zimmerman

WHEREAS, The week of February 8th through the 14th has been designated "Vocational Education Week" in Washington State by proclamation of Governor Booth Gardner; and

WHEREAS, This same week has also been declared "Vocational Education Week" nationally, as determined by President Ronald Reagan and the United States Congress; and

WHEREAS, The economic vitality of this state is directly related to the skills of its trained work force; and

WHEREAS, Washington State's school districts, vocational technical institutes, skills centers, community colleges, community-based organizations and private training agencies provide the technical education and training programs to individuals seeking to acquire and update their employable skills; and

WHEREAS, Both business and labor cooperate in and benefit from the vocational education and training in Washington; and

WHEREAS, Over four million dollars is spent for the vocational education and training of over two-hundred and fifty thousand people annually in Washington, just in the public educational institutions alone;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and honor the efforts of the thousands of individuals who plan, direct, implement and benefit from the state's vocational education and training programs, which improve the quality of life for each of us, for our entire state, and during the entire year, but especially during "Vocational Education Week".

Senators Gaspard, Zimmerman and Bailey spoke to the resolution.

#### MOTION

At 9:58 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 10:49 a.m. by President Cherberg.

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

#### SECOND READING

SENATE BILL NO. 5248, by Senators Smitherman, Gaspard, Bailey and Johnson

Providing for the development of model curriculum guidelines for vocational or applied courses.

The bill was read the second time.

#### MOTION

On motion of Senator Smitherman, the rules were suspended, Senate Bill No. 5248 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5248.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5248 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

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

Excused: Senators Cantu, Peterson - 2.

SENATE BILL NO. 5248, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5032, by Senators Owen and Kreidler

Redefining what constitutes an antique slot machine.

The bill was read the second time.

#### MOTIONS

On motion of Senator Warnke, the following Committee on Commerce and Labor amendment was adopted:

On page 1, line 10, after "possession," insert "Operation of an antique slot machine shall be only by free play or with coins provided at no cost by the owner."

On motion of Senator Warnke, the rules were suspended, Engrossed Senate Bill No. 5032 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5032.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5032 and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; excused, 2.

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

Voting nay: Senators Pullen, Zimmerman - 2.

Excused: Senators Cantu, Peterson - 2.

ENGROSSED SENATE BILL NO. 5032, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5070, by Senators Talmadge, Halsan, Newhouse, Fleming, Moore, Stratton, Kreidler, Bender, Lee, Deccio, Gaspard, Rasmussen and Saling Changing provisions relating to alcohol and drug abuse.

## MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 5070 was substituted for Senate Bill No. 5070 and the substitute bill was placed on second reading and read the second time.

Senator Rinehart moved that the following amendment by Senators Rinehart, Bottiger, Fleming, Bailey, Williams and Garrett be adopted:

On page 1, beginning on line 16, strike everything through "communications." on page 4, line 20, and insert the following:

"Sec. 101. Section 1, chapter 48, Laws of 1970 ex. sess. as last amended by section 2, chapter 38, Laws of 1986 and RCW 9.73.090 are each amended to read as follows:

(1) The provisions of RCW 9.73.030 through 9.73.080 shall not apply to police, fire, emergency medical service, emergency communication center, and poison center personnel in the following instances:

(a) Recording incoming telephone calls to police and fire stations, licensed emergency medical service providers, emergency communication centers, and poison centers;

(b) Video and/or sound recordings may be made of arrested persons by police officers responsible for making arrests or holding persons in custody before their first appearance in court. Such video and/or sound recordings shall conform strictly to the following:

(i) The arrested person shall be informed that such recording is being made and the statement so informing him shall be included in the recording;

(ii) The recording shall commence with an indication of the time of the beginning thereof and terminate with an indication of the time thereof;

(iii) At the commencement of the recording the arrested person shall be fully informed of his constitutional rights, and such statements informing him shall be included in the recording;

(iv) The recordings shall only be used for valid police or court activities.

(2) It shall not be unlawful for a law enforcement officer acting in the performance of the officer's official duties to intercept, record, or disclose an oral communication or conversation where the officer is a party to the communication or conversation or one of the parties to the communication or conversation has given prior consent to the interception, recording, or disclosure: PROVIDED, That prior to the interception, transmission, or recording the officer shall obtain written or telephonic authorization from a judge or magistrate, who shall approve the interception, recording, or disclosure of communications or conversations with a nonconsenting party for a reasonable and specified period of time, if there is probable cause to believe that the nonconsenting party has committed, is engaged in, or is about to commit a felony: PROVIDED HOWEVER, That if such authorization is given by telephone the authorization and officer's statement justifying such authorization must be electronically recorded by the judge or magistrate on a recording device in the custody of the judge or magistrate at the time transmitted and the recording shall be retained in the court records and reduced to writing as soon as possible thereafter.

Any recording or interception of a communication or conversation incident to a lawfully recorded or intercepted communication or conversation pursuant to this subsection shall be lawful and may be divulged.

All recordings of communications or conversations made pursuant to this subsection shall be retained for as long as any crime may be charged based on the events or communications or conversations recorded.

(3) Communications or conversations authorized to be intercepted, recorded, or disclosed by this section shall not be inadmissible under RCW 9.73.050.

(4) Authorizations issued under subsection (2) of this section shall be effective for not more than seven days, after which period the issuing authority may upon application of the officer who secured the original authorization renew or continue the authorization for ((am)) additional periods not to exceed seven days.

(5) If the judge or magistrate determines that there is probable cause to believe that the communication or conversation concerns the unlawful manufacture, delivery, sale, or possession with intent to manufacture, deliver, or sell, controlled substances as defined in chapter 69.50 RCW, or legend drugs as defined in chapter 69.41 RCW, or imitation controlled substances as defined in chapter 69.52 RCW, the judge or magistrate may authorize the interception, recording, or disclosure of communications or conversations under subsection (2) of this section even though the true name of the nonconsenting party, or the particular time and place for the interception, recording, or disclosure, is not known at the time of the request, if the authorization describes the nonconsenting party and subject matter of the communication or conversation with reasonable certainty under the circumstances. Any such communication or conversation may be intercepted, recorded, or disclosed as authorized notwithstanding a change in the time or location of the communication or conversation after the authorization has been obtained or the presence of or participation in the communication or conversation by any additional party not named in the authorization.

NEW SECTION. Sec. 102. A new section is added to chapter 9.73 RCW to read as follows:

(1) If a police commander or officer above the rank of first line supervisor determines that the safety of the consenting party is in danger and that there is insufficient time to apply for judicial authorization pursuant to RCW 9.73.090(2), law enforcement personnel may, for the sole purpose of protecting the safety of the consenting party, intercept and transmit a private conversation or communication concerning the unlawful manufacture, delivery, sale, or possession with intent to manufacture, deliver, or sell, controlled substances as defined in chapter 69.50 RCW, or legend drugs as defined in chapter 69.41 RCW, or imitation controlled substances as defined in chapter 69.52 RCW.

(2) No conversation or communication intercepted and transmitted pursuant to subsection (1) of this section may be recorded by any device electronic or otherwise designed to record such conversation or communication regardless of how the device is powered or activated, nor may any contemporaneous notes or transcriptions be made.

(3) Nothing in this section bars the admission of testimony of a person who overhears a conversation or communication intercepted pursuant to subsection (1) of this section.

(4) Before any interception and transmission of a private conversation or communication pursuant to this section, the police commander or officer making the determination required by subsection (1) of this section shall complete a written authorization which shall include (a) the date and time the authorization is given; (b) the persons, including the consenting party, expected to participate in the conversation, to the extent known; (c) the expected date, location, and approximate time of the conversation; (d) the reasons for believing the consenting party's safety will be in danger; and (e) the time constraints preventing an application for judicial authorization.

(5) Within a reasonable time but not later than fifteen days after any interception and transmission of a conversation or communication pursuant to this section, the law enforcement agency which made the interception and transmission shall submit a report to a judge of a court having jurisdiction and to the administrator for the courts, which report shall include a copy of the written authorization required by subsection (1) of this section and shall identify (a) the persons, including the consenting party, who participated in the conversation and (b) the date, location, and approximate time of the conversation.

NEW SECTION. Sec. 103. A new section is added to chapter 9.73 RCW to read as follows:

(1) Any information obtained in violation of RCW 9.73.030 or pursuant to an order issued under RCW 9.73.040 shall be inadmissible in any civil or criminal case in all courts of general or limited jurisdiction in this state, except:

(a) For the limited purpose of allowing any person who did not consent to the recording to impeach a witness in any case;

(b) With the permission of the person whose communication or conversation was recorded without his or her knowledge; or

(c) In a criminal action in which the defendant is charged with a crime, the commission of which would jeopardize national security.

(2) Nothing in this section bars the admission of testimony of a participant in the communication or conversation unaided by information obtained in violation of RCW 9.73.030.

NEW SECTION. Sec. 104. Section 3, chapter 93, Laws of 1967 ex. sess. and RCW 9.73.050 are each repealed.

#### PROCEDURAL QUESTION

Senator Talmadge: "Mr. President, a procedural question, if I could. We have before us a striking amendment and I think the intention was to take the striking amendment and consider the various amendments, such as Senator Rinehart's, as amendments to the striking amendment. If it would be possible--if Senator Rinehart

could withdraw this particular amendment and allow me to move the adoption of the striking amendment--then she could move the adoption of her amendment to the striking amendment, we could proceed in that fashion. That would be preferable, if that would be possible, Mr. President."

#### REMARKS BY SENATOR PULLEN

Senator Pullen: "I think there are other amendments to the bill, if I'm not mistaken--to the basic bill. Traditionally, we pick perfecting amendments first. I think that if we took a striking amendment first, then anyone who has perfecting amendments would be precluded the opportunity to perfect. Also, it is conceivable, after the perfecting amendments are adopted, if any are, that could change the bodies feeling with regard to whether we want to consider a striking amendment."

#### REPLY BY THE PRESIDENT

President Cherberg: "Your remarks are well taken Senator Pullen, but it is up to the Senate as to what they desire."

#### MOTION

On motion of Senator Vognild, further consideration of Substitute Senate Bill No. 5070 was deferred.

#### SECOND READING

SENATE BILL NO. 5185, by Senators Owen, Pullen, Tanner, Nelson, Vognild, Talmadge, von Reichbauer, Garrett and Johnson

Providing for the protection of hunters during legally established seasons.

The bill was read the second time.

#### MOTIONS

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

On page 1, line 22, after "devices" strike "on department or public lands"

On page 1, line 24, after "stampeding" strike "game" and insert "wildlife"

On page 1, line 25, after "season" insert "to prevent their being hunted"

On page 2, line 4, after "lure" strike "game" and insert "wildlife"

On page 2, line 5, after "drive" strike "game" and insert "wildlife"

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

On page 2, line 28, after "season" strike the period and insert ": or

(e) Landowner preventing wildlife damage to his property; or

(f) Authorized federal or state wildlife agency personnel in the conduct of wildlife control activities.

#### MOTION

On motion of Senator Owen, the rules were suspended, Engrossed Senate Bill No. 5185 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5185.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5185 and the bill passed the Senate by the following vote: Yeas, 42; nays, 6; excused, 1.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Lee, McCaslin, McDermott, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Voting nay: Senators Barr, Bluechel, Kiskaddon, Kreidler, Moore, Zimmerman - 6.

Excused: Senator Peterson - 1.

ENGROSSED SENATE BILL NO. 5185, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5070 and the pending amendment on page 1, line 16, by Senators Rinehart, Bottiger, Fleming, Bailey, Williams and Garrett, deferred earlier today.

Debate on the amendment ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Rinehart, Bottiger, Fleming, Bailey, Williams and Garrett.

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Rinehart, Bottiger, Fleming, Bailey, Williams and Garrett.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Rinehart failed and the amendment was not adopted by the following vote: Yeas, 13; nays, 34; absent, 1; excused, 1.

Voting yea: Senators Bailey, Bottiger, Fleming, Garrett, Gaspard, Hansen, McDermott, Moore, Pullen, Rinehart, Vogniid, Warnke, Williams - 13.

Voting nay: Senators Anderson, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Rasmussen, Saling, Smitherman, Stratton, Talmadge, Tanner, von Reichbauer, West, Wojahn, Zimmerman - 34.

Absent: Senator Sellar - 1.

Excused: Senator Peterson - 1.

#### MOTION

Senator Talmadge moved that the following amendment by Senators Talmadge, Newhouse, Smitherman and Fleming be adopted:

Strike everything after the enacting clause and insert the following:

##### \*PART I

##### ONE-PARTY CONSENT

Sec. 101. Section 1, chapter 93, Laws of 1967 ex. sess. as last amended by section 2, chapter 260, Laws of 1985 and by section 1, chapter 38, Laws of 1986 and RCW 9.73.030 are each reenacted and amended to read as follows:

(1) Except as otherwise provided in this chapter, it shall be unlawful for any individual, partnership, corporation, association, or the state of Washington, its agencies, and political subdivisions to intercept, or record any:

(a) Private communication transmitted by telephone, telegraph, radio, or other device between two or more individuals between points within or without the state by any device electronic or otherwise designed to record and/or transmit said communication regardless how such device is powered or actuated, without first obtaining the consent of all the participants in the communication;

(b) Private conversation, by any device electronic or otherwise designed to record or transmit such conversation regardless how the device is powered or actuated without first obtaining the consent of all the persons engaged in the conversation.

(2) Notwithstanding subsection (1) of this section, ((wire)) communications or conversations (a) of an emergency nature, such as the reporting of a fire, medical emergency, crime, or disaster, ((or)) (b) which convey threats of extortion, blackmail, bodily harm, or other unlawful requests or demands, ((or)) (c) which occur anonymously or repeatedly or at an extremely inconvenient hour, ((or)) (d) which relate to communications by a hostage holder or barricaded person as defined in RCW 70.85.100, whether or not conversation ensues, or (e) until July 1, 1989, concerning the unlawful manufacture, delivery, sale, or possession with intent to manufacture, deliver, or sell, controlled substances as defined in chapter 69.50 RCW, or legend drugs as defined in chapter 69.41 RCW, or imitation controlled substances as defined in chapter 69.52 RCW, may be recorded with the consent of one party to the conversation.

(3) Where consent by all parties is needed pursuant to this chapter, consent shall be considered obtained whenever one party has announced to all other parties engaged in the communication or conversation, in any reasonably effective manner, that such communication or conversation is about to be recorded or transmitted: PROVIDED, That if the conversation is to be recorded that said announcement shall also be recorded.

(4) An employee of any regularly published newspaper, magazine, wire service, radio station, or television station acting in the course of bona fide news gathering duties on a full time or contractual or part time basis, shall be deemed to have consent to record and divulge communications or conversations otherwise prohibited by this chapter if the consent is

expressly given or if the recording or transmitting device is readily apparent or obvious to the speakers. Withdrawal of the consent after the communication has been made shall not prohibit any such employee of a newspaper, magazine, wire service, or radio or television station from divulging the communication or conversation.

**NEW SECTION, Sec. 102.** A new section is added to chapter 9.73 RCW to read as follows:

(1) Any information obtained in violation of RCW 9.73.030 or pursuant to an order issued under the provisions of RCW 9.73.040 shall be inadmissible in any civil or criminal case in all courts of general or limited jurisdiction in this state, except:

(a) For the limited purpose of allowing any person who did not consent to the recording to impeach a witness in any case;

(b) With the permission of the person whose communication or conversation was recorded without his or her knowledge; or

(c) In a criminal action in which the defendant is charged with a crime, the commission of which would jeopardize national security.

(2) Nothing in this section, however, bars the admission of testimony of a participant in the communication or conversation unaided by information obtained in violation of RCW 9.73.030.

(3) This section shall expire June 30, 1989.

**NEW SECTION, Sec. 103.** A new section is added to chapter 9.73 RCW to read as follows:

(1) The exception provided for in RCW 9.73.030(2)(e) is subject to the following restrictions:

(a) Before a conversation or communication is recorded, the police commander or an officer above the rank of first line supervisor shall complete a written authorization showing: (i) The date and time the authorization is given; (ii) the persons, including the consenting party, expected to participate in the conversation or communication, if known; (iii) the expected date, location, and approximate time of the conversation or communication; and (iv) the reasons for believing the recording will be of value;

(b) Within ten judicial days of an authorized recording obtained under (a) of this subsection, the written authorization and recording shall be reviewed ex parte by a district court judge or magistrate for compliance with (a) of this subsection. If the court determines that the recording has not been obtained in compliance with (a) of this subsection, the court shall notify the prosecutor or attorney general to determine if a violation of RCW 9.73.030 has occurred; and

(c) If the court determines that the recording has been obtained in compliance with (a) of this subsection, the recording shall be delivered to the prosecutor or attorney general. If the recording is deemed to be without value by the prosecutor or attorney general in a prosecution for the unlawful manufacture, delivery, sale, or possession with intent to manufacture, deliver, or sell, controlled substances as defined in chapter 69.50 RCW, legend drugs as defined in chapter 69.41 RCW, or imitation controlled substances as defined in chapter 69.52 RCW, the recording and any copies or transcriptions thereof shall be sealed and may not be unsealed or disclosed except upon court order. If the recording has not been ordered by a court to be unsealed, it and any copies or transcriptions thereof shall, three years after its making, be erased or destroyed without being transcribed.

(2) This section shall expire June 30, 1989.

Sec. 104. Section 6, chapter 93, Laws of 1967 ex. sess. and RCW 9.73.080 are each amended to read as follows:

Any person who shall violate RCW 9.73.030 or until July 1, 1989, section 103 of this 1987 act shall be guilty of a gross misdemeanor.

Sec. 105. Section 3, chapter 93, Laws of 1967 ex. sess. and RCW 9.73.050 are each amended to read as follows:

(1) Any information obtained in violation of RCW 9.73.030 or pursuant to any order issued under the provisions of RCW 9.73.040 shall be inadmissible in any civil or criminal case in all courts of general or limited jurisdiction in this state, except with the permission of the person whose rights have been violated in an action brought for damages under the provisions of RCW 9.73.030 through 9.73.080, or in a criminal action in which the defendant is charged with a crime, the commission of which would jeopardize national security.

(2) This section shall have no effect from the effective date of section 102 of this 1987 act until July 1, 1989.

**NEW SECTION, Sec. 106.** Before the 1988 legislative session, the senate and house of representatives judiciary committees shall conduct a review of chapter 9.73 RCW. The objective of the review is to determine how best to address the needs of law enforcement and public safety and the citizens' expectations of privacy with respect to the interception or recording of private communications, and to consider other changes to the statute, particularly in view of technological changes in the field of communications.

**NEW SECTION, Sec. 107.** The chief of the Washington state patrol shall submit a report on January 1, 1988, and on January 1, 1989, to the judiciary committees of the house of representatives and the senate on conversations and communications recorded under RCW 9.73.030(2)(e). The report shall include, but not be limited to:

(1) The number of recordings made;

(2) The circumstances justifying the recording;

- (3) The types and categories of alleged criminal activity;
- (4) The number of recordings used in criminal prosecutions;
- (5) The number of recordings not used in criminal prosecutions and the reasons for the nonuse;
- (6) The number of persons subjected to multiple recordings; and
- (7) the number of recordings determined by a magistrate or judge not to be in compliance with section 103(1)(a) of this act.

Information regarding any conversation or communication that is recorded under RCW 9.73.030(2)(e) shall be forwarded to the chief of the state patrol on forms developed and supplied by the state patrol.

The transmittal of information and the report shall protect the privacy of any person whose conversation or communication has been recorded under RCW 9.73.030(2)(e).

#### PART II

#### CRIMINAL SANCTIONS

Sec. 201. Section 3, chapter 137, Laws of 1981 as last amended by section 17, chapter 257, Laws of 1986 and RCW 9.94A.030 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Commission" means the sentencing guidelines commission.
- (2) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.
- (3) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender. For purposes of the interstate compact for out of state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.
- (4) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed pursuant to this chapter by a court. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5).
- (5) "Confinement" means total or partial confinement as defined in this section.
- (6) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.
- (7) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct.
- (8) (a) "Criminal history" means the list of a defendant's prior convictions, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.
- (b) "Criminal history" includes a defendant's prior convictions in juvenile court if: (i) The conviction was for an offense which is a felony and is criminal history as defined in RCW 13.40.020(6)(a); (ii) the defendant was fifteen years of age or older at the time the offense was committed; and (iii) with respect to prior juvenile class B and C felonies, the defendant was less than twenty-three years of age at the time the offense for which he or she is being sentenced was committed.
- (9) "Department" means the department of corrections.
- (10) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a fine or restitution. The fact that an offender through "earned early release" can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.
- (11) "Drug offense" means any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403).
- (12) "Escape" means escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), or willful failure to return from work release (RCW 72.65.070).
- (13) "Felony traffic offense" means vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), or felony hit-and-run injury-accident (RCW 46.52.020(4)).
- (14) "Fines" means the requirement that the offender pay a specific sum of money over a specific period of time to the court.
- (15)(a) "First-time offender" means any person who is convicted of a felony not classified as a violent offense or a sex offense under this chapter, and except as provided in (b) of this subsection, who previously has never been convicted of a felony in this state, federal court, or

another state, and who has never participated in a program of deferred prosecution for a felony offense.

(b) For purposes of (a) of this subsection, a juvenile adjudication for an offense committed before the age of fifteen years is not a previous felony conviction.

(16) "Nonviolent offense" means an offense which is not a violent offense.

(17) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(18) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any the state or any other unit of government, for a substantial portion of each day with the balance of the day spent in the community.

(19) "Restitution" means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.

(20) "Serious traffic offense" means driving while intoxicated (RCW 46.61.502), actual physical control while intoxicated (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)).

(21) "Serious violent offense" is a subcategory of violent offense and means murder in the first degree, murder in the second degree, assault in the first degree, kidnapping in the first degree, or rape in the first degree, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies.

(22) "Sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(23) "Sex offense" means a felony that is a violation of chapter 9A.44 RCW or RCW 9A.64-.020 or 9.68A.090 or that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes.

(24) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

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

(26) "Violent offense" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, rape in the second degree, kidnapping in the second degree, arson in the second degree, assault in the second degree, extortion in the first degree, robbery in the second degree, vehicular homicide, ~~((and))~~ vehicular assault, and the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in Schedule I or II that is a narcotic drug;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in subsection (26)(a) of this section; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under subsection (26) (a) or (b) of this section.

Sec. 202. Section 1, chapter 198, Laws of 1969 ex. sess. as last amended by section 3, chapter 267, Laws of 1985 and by section 9, chapter 303, Laws of 1985 and RCW 10.31.100 are each reenacted and amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of the officer, except as provided in subsections (1) through (5) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis, or use, consumption, or possession of liquor by a minor, shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) An order has been issued of which the person has knowledge under RCW 10.99.040(2), 10.99.050, 26.09.060, chapter 26.26 RCW, or chapter 26.50 RCW restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence or excluding the person from a residence; or

(b) The person is eighteen years or older and within the preceding four hours has assaulted that person's spouse, former spouse, or a person eighteen years or older with whom the person resides or has formerly resided and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that spouses, former spouses, or other persons who reside together or formerly resided together have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary physical aggressor. In making this determination, the officer shall make every reasonable effort to consider: (i) The intent to protect victims of domestic violence under RCW 10.99.010; (ii) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (iii) the history of domestic violence between the persons involved.

(3) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

(a) RCW 46.52.010, relating to duty on striking an unattended car or other property;

(b) RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;

(f) RCW 46.61.525, relating to operating a motor vehicle in a negligent manner.

(4) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed in connection with the accident a violation of any traffic law or regulation.

(5) Any police officer having probable cause to believe that a person has committed or is committing a violation of RCW 88.02.025 shall have the authority to arrest the person.

(6) Except as specifically provided in subsections (2), (3), and (4) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

(7) No police officer may be held criminally or civilly liable for making an arrest pursuant to RCW 10.31.100(2) if the police officer acts in good faith and without malice.

**NEW SECTION.** Sec. 203. A new section is added to chapter 69.50 RCW to read as follows:

(a) A person who unlawfully delivers a controlled substance in violation of RCW 69.50.401(a)(1) (i) or (ii) which controlled substance is subsequently used by the person to whom it was delivered, resulting in the death of the user, is guilty of controlled substances homicide.

(b) Controlled substances homicide is a class B felony punishable according to RCW 9A.20.021.

Sec. 204. Section 2, chapter 70, Laws of 1955 and RCW 66.44.270 are each amended to read as follows:

~~(Except in the case of liquor given or permitted to be given to a person under the age of twenty-one years by his parent or guardian for beverage or medicinal purposes, or administered to him by his physician or dentist for medicinal purposes, no person shall give, or otherwise supply liquor to any person under the age of twenty-one years, or permit any person under that age to consume liquor on his premises or on any premises under his control. It is unlawful for any person under the age of twenty-one years to acquire or have in his possession or consume any liquor except as in this section provided and except when such liquor is being used in connection with religious services.~~

~~Conviction or forfeiture of bail for a violation of this section by a person under the age of twenty-one years at the time of such conviction or forfeiture, shall not be a disqualification of such person to acquire a license to sell or dispense any liquor after such person shall have attained the age of twenty-one years.)~~ (1) It is unlawful for any person to sell, give, or otherwise supply liquor to any person under the age of twenty-one years or permit any person under that age to consume liquor on his or her premises or on any premises under his or her control.

(2) It is unlawful for any person under the age of twenty-one years to possess, consume, or otherwise acquire any liquor.

(3) This section does not apply to liquor given or permitted to be given to a person under the age of twenty-one years by a parent or guardian and consumed in the presence of the parent or guardian. This subsection shall not authorize consumption or possession of liquor by a person under the age of twenty-one years on any premises licensed under chapter 66.24 RCW.

(4) This section does not apply to liquor given for medicinal purposes to a person under the age of twenty-one years by a parent, guardian, physician, or dentist.

(5) This section does not apply to liquor given to a person under the age of twenty-one years when such liquor is being used in connection with religious services and the amount consumed is the minimal amount necessary for the religious service.

(6) Conviction or forfeiture of bail for a violation of this section by a person under the age of twenty-one years at the time of such conviction or forfeiture shall not be a disqualification of that person to acquire a license to sell or dispense any liquor after that person has attained the age of twenty-one years.

Sec. 205. Section 69.50.401, chapter 308, Laws of 1971 ex. sess. as last amended by section 1, chapter 67, Laws of 1979 and RCW 69.50.401 are each amended to read as follows:

(a) Except as authorized by this chapter, it is unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance.

(1) Any person who violates this subsection with respect to:

(i) a controlled substance classified in Schedule I or II which is a narcotic drug, is guilty of a crime and upon conviction may be imprisoned for not more than ten years, or fined not more than twenty-five thousand dollars, or both;

(ii) any other controlled substance classified in Schedule I, II, or III, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iii) a substance classified in Schedule IV, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iv) a substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both.

(b) Except as authorized by this chapter, it is unlawful for any person to create, deliver, or possess a counterfeit substance.

(1) Any person who violates this subsection with respect to:

(i) a counterfeit substance classified in Schedule I or II which is a narcotic drug, is guilty of a crime and upon conviction may be imprisoned for not more than ten years, fined not more than twenty-five thousand dollars, or both;

(ii) any other counterfeit substance classified in Schedule I, II, or III, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iii) a counterfeit substance classified in Schedule IV, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iv) a counterfeit substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both.

(c) It is unlawful, except as authorized in this chapter and chapter 69.41 RCW, for any person to offer, arrange, or negotiate for the sale, gift, delivery, dispensing, distribution, or administration of a controlled substance to any person and then sell, give, deliver, dispense, distribute, or administer to that person any other liquid, substance, or material in lieu of such controlled substance. Any person who violates this subsection is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both.

(d) It is unlawful for any person to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this chapter. Any person who violates this subsection is guilty of a crime, and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both, except as provided for in subsection (e) of this section.

(e) Except as provided for in subsection (a)(1)(ii) of this section any person found guilty of possession of forty grams or less of marijuana shall be guilty of a misdemeanor.

(f) It is unlawful to compensate, threaten, solicit, or in any other manner involve a person under the age of eighteen years in a transaction unlawfully to manufacture, sell, or deliver a controlled substance. A violation of this subsection shall be punished as a class C felony punishable in accordance with RCW 9A.20.021.

(g) It is unlawful for any person knowingly and unlawfully to sell, deliver, or provide a controlled substance upon school grounds. For purposes of this subsection, "school grounds" means in or on or within any building, structure, athletic playing field, playground, or land contained within the real property boundary line of a public or private elementary, parochial, intermediate, junior high, vocational, or high school, or within one thousand feet of the real property boundary line comprising any such school. A person who violates this subsection is guilty of a crime and upon conviction may be imprisoned for not more than ten years or fined not more than twenty-five thousand dollars, or both.

This section shall not apply to offenses defined and punishable under the provisions of RCW 69.50.410.

Sec. 206. Section 69.50.406, chapter 308, Laws of 1971 ex. sess. and RCW 69.50.406 are each amended to read as follows:

(a) Any person eighteen years of age or over who violates RCW 69.50.401(a) by distributing a controlled substance listed in Schedules I or II which is a narcotic drug to a person under eighteen years of age who is at least three years his junior is punishable by the fine authorized by RCW 69.50.401(a)(1)(i), by a term of imprisonment of up to twice that authorized by RCW 69.50.401(a)(1)(i), or by both.

(b) Any person eighteen years of age or over who violates RCW 69.50.401(g) by selling a controlled substance upon school grounds to a person under eighteen years of age is punishable by the fine authorized by RCW 69.50.401(a)(1)(i), by a term of imprisonment of up to twice that authorized by RCW 69.50.401(a)(1)(i), or by both.

(c) Any person eighteen years of age or over who violates RCW 69.50.401(a) by distributing any other controlled substance listed in Schedules I, II, III, IV, and V to a person under eighteen years of age who is at least three years his junior is punishable by the fine authorized by RCW 69.50.401(a)(1)(ii), (iii), or (iv), by a term of imprisonment up to twice that authorized by RCW 69.50.401(a)(1)(ii), (iii), or (iv), or both.

Sec. 207, Sections 1, 3, and 4, chapter 126, Laws of 1895 as last amended by section 37, chapter 292, Laws of 1971 ex. sess. and RCW 26.28.080 are each amended to read as follows:

Every person who:

(1) Shall admit to or allow to remain in any concert saloon, or in any place owned, kept, or managed by him where intoxicating liquors are sold, given away or disposed of—except a restaurant or dining room, any person under the age of eighteen years; or,

(2) Shall admit to, or allow to remain in any dance-house, public pool or billiard hall, or in any place of entertainment injurious to health or morals, owned, kept or managed by him, any person under the age of eighteen years; or,

(3) Shall suffer or permit any such person to play any game of skill or chance, in any such place, or in any place adjacent thereto, or to be or remain therein, or admit or allow to remain in any reputed house of prostitution or assignation, or in any place where opium or any preparation thereof, is smoked, or where any narcotic drug is used, any persons under the age of eighteen years; or,

(4) Shall sell or give, or permit to be sold or given (~~to any person under the age of twenty-one years any intoxicating liquor, or~~) to any person under the age of eighteen years any cigar, cigarette, cigarette paper or wrapper, or tobacco in any form; or

(5) Shall sell, or give, or permit to be sold or given to any person under the age of eighteen years, any revolver or pistol;

Shall be guilty of a gross misdemeanor.

It shall be no defense to a prosecution for a violation of this section that the person acted, or was believed by the defendant to act, as agent or representative of another.

**NEW SECTION.** Sec. 208. (1) It is unlawful for any person who has under his or her management or control any building, room, space, or enclosure, either as an owner, lessee, agent, employee, or mortgagee, to knowingly rent, lease, or make available for use, with or without compensation, the building, room, space, or enclosure for the purpose of unlawfully manufacturing, delivering, selling, storing, or giving away any controlled substance under chapter 69.50 RCW, legend drug under chapter 69.41 RCW, or imitation controlled substance under chapter 69.52 RCW.

(2) A violation of this section is a class C felony punishable under chapter 9A.20 RCW.

**NEW SECTION.** Sec. 209. (1) It is unlawful for any person who has under his or her management or control any building, room, space, or enclosure, either as an owner, lessee, agent, employee, or mortgagee, to knowingly allow the building, room, space, or enclosure to be fortified to suppress law enforcement entry in order to further the unlawful manufacture, delivery, sale, storage, or gift of any controlled substance under chapter 69.50 RCW, legend drug under chapter 69.41 RCW, or imitation controlled substance under chapter 69.52 RCW.

(2) A violation of this section is a class C felony punishable under chapter 9A.20 RCW.

**NEW SECTION.** Sec. 210. (1) It is unlawful for any person to use a building, room, space, or enclosure specifically designed to suppress law enforcement entry in order to unlawfully manufacture, deliver, sell, store, or give away any controlled substance under chapter 69.50 RCW, legend drug under chapter 69.41 RCW, or imitation controlled substance under chapter 69.52 RCW.

(2) A violation of this section is a class C felony punishable under chapter 9A.20 RCW.

### PART III

#### KEG REGISTRATION

Sec. 301. Section 77, chapter 62, Laws of 1933 ex. sess. as last amended by section 1, chapter 87, Laws of 1986 and RCW 66.08.180 are each amended to read as follows:

Moneys in the liquor revolving fund shall be distributed by the board at least once every three months in accordance with RCW 66.08.190, 66.08.200 and 66.08.210: PROVIDED, That the board shall reserve from distribution such amount not exceeding five hundred thousand dollars as may be necessary for the proper administration of this title: AND PROVIDED FURTHER, That all license fees, penalties and forfeitures derived under this act from class H licenses or class H licensees shall every three months be disbursed by the board as follows:

(1) 5.95 percent to the University of Washington and 3.97 percent to Washington State University for alcoholism and drug abuse research and for the dissemination of such research;

(2) 1.75 percent, but in no event less than one hundred fifty thousand dollars per biennium, to the University of Washington to conduct the state toxicological laboratory pursuant to RCW 68.08.107; ~~((and))~~

(3) 88.33 percent ~~((and twenty percent of the total amount derived from license fees under RCW 66.24.320, 66.24.330, 66.24.340, 66.24.350, 66.24.360, and 66.24.370))~~ to the general fund to be used by the department of social and health services solely to carry out the purposes of RCW 70.96.085, as now or hereafter amended ~~((AND PROVIDED FURTHER, That one-fourth cent per liter of the tax imposed by RCW 66.24.210 shall every three months be disbursed by the board to Washington State University solely for wine and wine grape research, extension programs related to wine and wine grape research, and resident instruction in both wine grape production and the processing aspects of the wine industry in accordance with RCW 28B.30.068. The director of financial management shall prescribe suitable accounting procedure to insure that the funds transferred to the general fund to be used by the department of social and health services and appropriated are separately accounted for))~~;

(4) The first fifty-five dollars per license fee provided in RCW 66.24.320 and 66.24.330 up to a maximum of one hundred fifty thousand dollars annually shall be disbursed every three months by the board to the general fund to be used for juvenile alcohol and drug prevention programs for kindergarten through third grade to be administered by the superintendent of public instruction;

(5) Twenty percent of the remaining total amount derived from license fees pursuant to RCW 66.24.320, 66.24.330, 66.24.340, 66.24.350, 66.24.360, and 66.24.370, shall be transferred to the general fund to be used by the department of social and health services solely to carry out the purposes of RCW 70.96.085; and

(6) One-fourth cent per liter of the tax imposed by RCW 66.24.210 shall every three months be disbursed by the board to Washington State University solely for wine and wine grape research, extension programs related to wine and wine grape research, and resident instruction in both wine grape production and the processing aspects of the wine industry in accordance with RCW 28B.30.068. The director of financial management shall prescribe suitable accounting procedures to ensure that the funds transferred to the general fund to be used by the department of social and health services and appropriated are separately accounted for.

Sec. 302. Section 5, chapter 67, Laws of 1949 as last amended by section 8, chapter 209, Laws of 1973 1st ex. sess. and RCW 66.20.200 are each amended to read as follows:

It shall be unlawful for the owner of a card of identification to transfer the card to any other person for the purpose of aiding such person to procure alcoholic beverages from any licensee or store employee. Any person who shall permit his card of identification to be used by another or transfer such card to another for the purpose of aiding such transferee to obtain alcoholic beverages from a licensee or store employee, shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than ~~((one))~~ five hundred dollars or imprisonment for not more than thirty days or both. Any person not entitled thereto who unlawfully procures or has issued or transferred to him a card of identification, and any person who possesses a card of identification not issued to him and any person who possesses a counterfeit identification card or an identification card that has been materially altered or falsified in any manner, and any person who makes any false statement on any certification card required by RCW 66.20.190, as now or hereafter amended, to be signed by him, shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than ~~((one))~~ five hundred dollars or imprisonment for not more than thirty days or both.

**NEW SECTION.** Sec. 303. Any person who sells or offers for sale the contents of kegs or other containers containing six gallons or more of malt liquor, or leases kegs or other containers that will hold six gallons of malt liquor, to consumers who are not licensed under chapter 66.24 RCW shall do the following for any transaction involving the container:

(1) Require the purchaser of the malt liquor to sign a declaration and receipt for the keg or other container or beverage in substantially the form provided in section 307 of this act;

(2) Require the purchaser to provide one piece of identification pursuant to RCW 66.16.040;

(3) Require the purchaser to sign a sworn statement, under penalty of perjury, that:

(a) The purchaser is of legal age to purchase, possess, or use malt liquor;

(b) The purchaser will not allow any person under the age of twenty-one years to consume the beverage except as provided by RCW 66.44.270;

(c) The purchaser will not remove, obliterate, or allow to be removed or obliterated, the identification required under section 306 of this act to be affixed to the container;

(4) Require the purchaser to state the particular address where the malt liquor will be consumed, or the particular address where the keg or other container will be physically located; and

(5) Require the purchaser to maintain a copy of the declaration and receipt next to or adjacent to the keg or other container, in no event a distance greater than five feet, and visible without a physical barrier from the keg, during the time that the keg or other container is in the purchaser's possession or control.

NEW SECTION. Sec. 304. Any person who purchases the contents of kegs or other containers containing six gallons or more of malt liquor, or purchases or leases the container shall:

(1) Sign a declaration and receipt for the keg or other container or beverage in substantially the form provided in section 306 of this act;

(2) Provide one piece of identification pursuant to RCW 66.16.040;

(3) Be of legal age to purchase, possess, or use malt liquor;

(4) Not allow any person under the age of twenty-one to consume the beverage except as provided by RCW 66.44.270;

(5) Not remove, obliterate, or allow to be removed or obliterated, the identification required under rules adopted by the board;

(6) Not move, keep, or store the keg or its contents, except for transporting to and from the distributor, at any place other than that particular address declared on the receipt and declaration; and

(7) Maintain a copy of the declaration and receipt next to or adjacent to the keg or other container, in no event a distance greater than five feet, and visible without a physical barrier from the keg, during the time that the keg or other container is in the purchaser's possession or control.

NEW SECTION. Sec. 305. The board shall adopt rules requiring retail licensees to affix appropriate identification on all containers of six gallons or more of malt liquor for the purpose of tracing the purchasers of such containers. The rules may provide for identification to be done on a state-wide basis or on the basis of smaller geographical areas.

It is unlawful for any person to sell or offer for sale kegs or other containers containing six gallons or more of malt liquor to consumers who are not licensed under chapter 66.24 RCW which kegs or containers are not identified in compliance with rules adopted by the board.

NEW SECTION. Sec. 306. The board shall develop and make available forms for the declaration and receipt required by section 303 of this act.

NEW SECTION. Sec. 307. (1) Except as provided in subsection (2) of this section, the violation of any provisions of sections 303 through 305 of this act shall be punishable by a fine of not more than five hundred dollars.

(2) Except as provided in RCW 66.44.270, a person who intentionally furnishes a keg or other container containing six or more gallons of malt liquor to a minor shall be liable, on conviction, for a first offense to a penalty of not more than five hundred dollars, or to imprisonment for not more than two months, or both; for a second offense to a penalty of not more than five hundred dollars or imprisonment for not more than six months, or both; and for a third or subsequent offense to a penalty of not more than five hundred dollars or imprisonment for more than one year, or both.

NEW SECTION. Sec. 308. A new section is added to chapter 66.08 RCW to read as follows:

The state of Washington hereby fully occupies and preempts the entire field of keg registration. Cities, towns, and counties or other municipalities may enact only those laws and ordinances relating to keg registration that are consistent with this chapter. Such local ordinances shall have the same or lesser penalties as provided for by state law. Local laws and ordinances that are inconsistent with, more restrictive than, or exceed the requirements of state law shall not be enacted and are preempted and repealed, regardless of the nature of the code, charter, or home rule status of such city, town, county, or municipality.

Sec. 309. Section 23-M added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as last amended by section 37, chapter 5, Laws of 1981 1st ex. sess. and RCW 66.24.320 are each amended to read as follows:

There shall be a beer retailer's license to be designated as a class A license to sell beer at retail, for consumption on the premises and to sell unpasteurized beer for consumption off the premises: PROVIDED, HOWEVER, That unpasteurized beer so sold must be in original sealed packages of the manufacturer or bottler of not less than seven and three-fourths gallons: AND PROVIDED FURTHER, That unpasteurized beer may be sold to a purchaser in a sanitary container brought to the premises by the purchaser and filled at the tap by the retailer at the time of sale; such license to be issued only to hotels, restaurants, drug stores or soda fountains, dining places on boats and airplanes, to clubs, and at sports arenas or race tracks during recognized professional athletic events. The annual fee for said license, if issued in cities and towns, shall be graduated according to the population thereof as follows:

Cities and towns	Fee
Less than 20,000	\$((150)) 205
20,000 or over	\$((300)) 355

The annual fee for such license, if issued outside of cities and towns, shall be ~~((one hundred fifty))~~ two hundred five dollars: PROVIDED, HOWEVER, That the annual license fee for such license, if issued to dining places on vessels not exceeding one thousand gross tons, plying on inland waters of the state of Washington on regular schedules, shall be ~~((one hundred fifty))~~ two hundred five dollars.

Sec. 310. Section 23-N added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as last amended by section 38, chapter 5, Laws of 1981 1st ex. sess. and RCW 66.24.330 are each amended to read as follows:

There shall be a beer retailer's license to be designated as a class B license to sell beer at retail, for consumption on the premises and to sell unpasteurized beer for consumption off the premises: PROVIDED, HOWEVER, That unpasteurized beer so sold must be in original sealed packages of the manufacturer or bottler of not less than seven and three-fourths gallons: AND PROVIDED FURTHER, That unpasteurized beer may be sold to a purchaser in a sanitary container brought to the premises by the purchaser and filled at the tap by the retailer at the time of sale; such license to be issued only to a person operating a tavern. The annual fee for said license, if issued in cities and towns, shall be graduated according to the population thereof as follows:

Cities and towns	Fees
Less than 20,000	\$((156)) 205
20,000 or over	\$((366)) 355

The annual fee for such license, if issued outside of cities and towns, shall be ~~((one hundred fifty))~~ two hundred five dollars.

#### PART IV TREATMENT

Sec. 401. Section 1, chapter 119, Laws of 1974 ex. sess. and RCW 48.21.160 are each amended to read as follows:

The legislature recognizes that ~~((alcoholism))~~ chemical dependency is a disease and, as such, warrants the same attention from the health care industry as other similarly serious diseases warrant; the legislature further recognizes that ~~((only very infrequently do))~~ health insurance contracts and contracts for health care services include inconsistent provisions providing benefits for the treatment of ~~((alcoholism))~~ chemical dependency. In order to assist the many citizens of this state who suffer from the disease of ~~((alcoholism))~~ chemical dependency, and who are presently effectively precluded from obtaining ~~((any))~~ adequate coverage for medical assistance under the terms of their health insurance contract or health care service contract, the legislature hereby declares that provisions providing benefits for the treatment of ~~((alcoholism))~~ chemical dependency shall be included in new contracts and that ~~((this 1974 act is))~~ this section, RCW 48.21.180, 48.21.190, 48.44.240, 48.46.350, and sections 403, 405, and 407 of this 1987 act are necessary for the protection of the public health and safety.

Sec. 402. Section 3, chapter 119, Laws of 1974 ex. sess. and RCW 48.21.180 are each amended to read as follows:

Each group disability insurance contract which is ~~((issued;))~~ delivered or issued for delivery or renewed, on or after January 1, ~~((1975))~~ 1988, and which insures for hospital or medical care shall contain provisions providing benefits for the treatment of ~~((alcoholism))~~ chemical dependency rendered to the insured by an ~~((alcoholic))~~ alcoholism or drug treatment facility which is an "approved treatment facility" under RCW 69.54.030 or 70.96A.020(2).

NEW SECTION, Sec. 403. A new section is added to chapter 48.21 RCW to read as follows:

For the purposes of RCW 48.21.160 and 48.21.180 "chemical dependency" means an illness characterized by a physiological or psychological dependency, or both, on a controlled substance regulated under chapter 69.50 RCW and/or alcoholic beverages. It is further characterized by a frequent or intense pattern of pathological use to the extent the user exhibits a loss of self-control over the amount and circumstances of use; develops symptoms of tolerance or physiological and/or psychological withdrawal if use of the controlled substance or alcoholic beverage is reduced or discontinued; and the user's health is substantially impaired or endangered or his or her social or economic function is substantially disrupted.

Sec. 404. Section 4, chapter 119, Laws of 1974 ex. sess. as amended by section 14, chapter 266, Laws of 1975 1st ex. sess. and RCW 48.44.240 are each amended to read as follows:

Each group contract for health care services which is ~~((entered into;))~~ delivered or issued for delivery or renewed, on or after ~~((September 8, 1975 between a health care service contractor and the person or persons to receive such care))~~ January 1, 1988, shall contain provisions providing benefits for the treatment of ~~((alcoholism))~~ chemical dependency rendered to ~~((such person or))~~ covered persons by an ~~((alcoholic))~~ alcoholism or drug treatment facility which is an "approved treatment facility" under RCW 69.54.030 or 70.96A.020(2).

NEW SECTION, Sec. 405. A new section is added to chapter 48.44 RCW to read as follows:

For the purposes of RCW 48.44.240, "chemical dependency" means an illness characterized by a physiological or psychological dependency, or both, on a controlled substance regulated under chapter 69.50 RCW and/or alcoholic beverages. It is further characterized by a frequent or intense pattern of pathological use to the extent the user exhibits a loss of self-control over the amount and circumstances of use; develops symptoms of tolerance or physiological and/or psychological withdrawal if use of the controlled substance or alcoholic beverage is reduced or discontinued; and the user's health is substantially impaired or endangered or his or her social or economic function is substantially disrupted.

Sec. 406. Section 13, chapter 106, Laws of 1983 and RCW 48.46.350 are each amended to read as follows:

Each group agreement for health care services ~~((between a health maintenance organization and the person or persons to receive such care under the group agreement))~~ that is

delivered or issued for delivery or renewed on or after January 1, 1988, shall contain provisions providing benefits for the treatment of ~~((alcoholism))~~ chemical dependency rendered to ~~((such person or))~~ covered persons by an ~~((alcoholic))~~ alcoholism or drug treatment facility which is an "approved treatment facility" under RCW 69.54.030 or 70.96A.020(2); PROVIDED, That this section does not apply to any agreement written as supplemental coverage to any federal or state programs of health care including, but not limited to, Title XVIII health insurance for the aged (commonly referred to as Medicare, Parts A&B), and amendments thereto. Treatment shall be covered under the chemical dependency coverage if treatment is rendered by the health maintenance organization or if the health maintenance organization refers the enrolled participant or the enrolled participant's dependents to a physician licensed under chapter 18.57 or 18.71 RCW, or to a qualified counselor employed by an approved treatment facility described in RCW 70.96A.020(2). In all cases, a health maintenance organization shall retain the right to diagnose the presence of chemical dependency and select the modality of treatment that best serves the interest of the health maintenance organization's enrolled participant, or the enrolled participant's covered dependent.

NEW SECTION. Sec. 407. A new section is added to chapter 48.46 RCW to read as follows:

For the purposes of RCW 48.46.350, "chemical dependency" means an illness characterized by a physiological or psychological dependency, or both, on a controlled substance regulated under chapter 69.50 RCW and/or alcoholic beverages. It is further characterized by a frequent or intense pattern of pathological use to the extent the user exhibits a loss of self-control over the amount and circumstances of use; develops symptoms of tolerance or physiological and/or psychological withdrawal if use of the controlled substance or alcoholic beverage is reduced or discontinued; and the user's health is substantially impaired or endangered or his or her social or economic function is substantially disrupted.

NEW SECTION. Sec. 408. Section 2, chapter 119, Laws of 1974 ex. sess. and RCW 48.21.170 are each repealed.

NEW SECTION. Sec. 409. By September 1, 1987, the insurance commissioner shall adopt rules governing benefits for treatment of chemical dependency under medical plans issued under chapters 48.21, 48.44, and 48.46 RCW.

#### PART V ABATEMENT

NEW SECTION. Sec. 501. Every building or unit within a building used for the purpose of unlawfully manufacturing, delivering, selling, storing, or giving away any controlled substance as defined in chapter 69.50 RCW, legend drug as defined in chapter 69.41 RCW, or imitation controlled substances as defined in chapter 69.52 RCW, and every building or unit within a building wherein or upon which such acts take place, is a nuisance which shall be enjoined, abated, and prevented, whether it is a public or private nuisance.

NEW SECTION. Sec. 502. Any complaint filed under this chapter shall be verified or accompanied by affidavit.

NEW SECTION. Sec. 503. Upon a sufficient showing on a motion for a temporary restraining order or a preliminary injunction, the court shall grant such preliminary equitable relief as is necessary to prevent the continuance or recurrence of the nuisance pending final resolution of the matter on the merits.

NEW SECTION. Sec. 504. No temporary restraining order or preliminary injunction may issue under this chapter except upon the giving of security by the applicant, in such sum as the court deems proper, for the payment of such costs and damages as may be incurred or suffered by any party who is found to have been wrongfully restrained or enjoined. No security may be required of the state of Washington, municipal corporations, or political subdivisions of the state of Washington.

NEW SECTION. Sec. 505. An action under this chapter shall have precedence over all other actions, except prior matters of the same character, criminal proceedings, election contests, hearings on temporary restraining orders and injunctions, and actions to forfeit vehicles used in violation of the uniform controlled substances act.

NEW SECTION. Sec. 506. (1) If the complaint under this chapter is filed by a citizen, it shall not be dismissed by the citizen for want of prosecution except upon a sworn statement made by the citizen and the citizen's attorney, if the citizen has one, setting forth the reasons why the action should be dismissed, and by dismissal ordered by the court.

(2) In case of failure to prosecute the action with reasonable diligence, or at the request of the plaintiff, the court, in its discretion, may substitute any other citizen consenting thereto for the plaintiff.

NEW SECTION. Sec. 507. If the existence of the nuisance is established in the action, an order of abatement shall be entered as part of the final judgment in the case. Plaintiff's costs in the action, including those of abatement, are a lien upon the building or unit within a building. The lien is enforceable and collectible by execution issued by order of the court.

NEW SECTION. Sec. 508. An intentional or wilful violation of a restraining order, preliminary injunction, or order of abatement under this chapter is punishable as a contempt of court by a fine of not less than two hundred dollars nor more than one thousand dollars, or by imprisonment for not less than one nor more than six months, or by both.

**NEW SECTION.** Sec. 509. Any final order of abatement issued under this chapter shall:

(1) Direct the removal of all items subject to seizure and forfeiture pursuant to RCW 69.50-.505 from the building or unit within a building, and direct their disposition pursuant to the forfeiture provisions of RCW 69.50.505;

(2) Provide for the immediate closure of the building or unit within a building against its use for any purpose, and for keeping it closed for a period of one year unless released sooner as provided in this chapter; and

(3) State that while the order of abatement remains in effect the building or unit within a building shall remain in the custody of the court.

**NEW SECTION.** Sec. 510. In all actions brought under this chapter, the proceeds and all moneys forfeited pursuant to the forfeiture provisions of RCW 69.50.505 shall be applied as follows:

(1) First, to the fees and costs of the removal and sale;

(2) Second, to the allowances and costs of closing and keeping closed the building or unit within a building;

(3) Third, to the payment of the plaintiff's costs in the action; and

(4) Fourth, the balance, if any, to the owner of the property.

If the proceeds of the sale of items subject to seizure and forfeiture do not fully discharge all of the costs, fees, and allowances, the building or unit within a building shall then also be sold under execution issued upon the order of the court, and the proceeds of the sale shall be applied in like manner.

No building or unit within a building may be sold pursuant to this section unless the court finds and concludes that the owner of the building or place had actual or constructive knowledge or notice of the existence of the nuisance, however, this shall not be construed as limiting or prohibiting the entry of any final order of abatement providing for the immediate closure of the building or unit within a building pursuant to this chapter.

**NEW SECTION.** Sec. 511. (1) If the owner of the building or unit within a building has not been guilty of any contempt of court in the proceedings, and appears and pays all costs, fees, and allowances that are a lien on the building or unit within a building and files a bond in the full value of the property, to be ascertained by the court, with sureties, to be approved by the court, conditioned that the owner will immediately abate any such nuisance that may exist at the building or unit within a building and prevent it from being a nuisance within a period of one year thereafter, the court shall, if satisfied of the owner's good faith, order the building or unit within a building to be delivered to the owner, and the order of abatement cancelled so far as it may relate to the property.

(2) The release of property under this chapter does not release it from any judgment, lien, penalty, or liability to which it may be subject.

**NEW SECTION.** Sec. 512. Whenever the owner of a building or unit within a building upon which the act or acts constituting the contempt have been committed, or the owner of any interest therein, has been guilty of a contempt of court, and fined in any proceedings under this chapter, the fine is a lien upon the building or unit within a building to the extent of his or her interest in it. The lien is enforceable and collectible by execution issued by order of the court.

**NEW SECTION.** Sec. 513. The abatement of a nuisance under this chapter does not prejudice the right of any person to recover damages for its past existence.

#### PART VI

#### MISCELLANEOUS

**NEW SECTION.** Sec. 601. Sections 303 through 307 of this act are each added to chapter 66.28 RCW.

**NEW SECTION.** Sec. 602. Sections 208 through 210 and 501 through 512 of this act shall constitute a new chapter in Title 69 RCW.

**NEW SECTION.** Sec. 603. Section 301 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1987.

**NEW SECTION.** Sec. 604. Sections 401 through 408 of this act shall take effect on January 1, 1988.

**NEW SECTION.** Sec. 605. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

#### MOTION

Senator Saling moved that the following amendments by Senators Saling, Lee, Zimmerman and Stratton to the amendment be considered simultaneously and adopted:

On page 14, line 23, after "substance," strike everything through "RCW 9A.20.021," on line 24 and insert "A person who violates this subsection is guilty of a crime and upon conviction shall be imprisoned for not less than twenty years or fined not more than twenty-five thousand dollars, or both."

On page 14, line 34, strike "not more than ten" and insert "not less than twenty"

On page 15, line 7, after "age" strike everything through "or by both." on line 10 and insert "(who is at least three years his junior is punishable by the fine authorized by RCW 69.50.401(a) (1) (i), by a term of imprisonment of up to twice that authorized by RCW 69.50.401(a) (1) (i), or by both;)" shall be imprisoned for not less than twenty years or fined not more than twenty-five thousand dollars, or both."

On page 15, line 13, after "age", strike everything through "or by both." on line 15 and insert "shall be imprisoned for not less than twenty years or fined not more than twenty-five thousand dollars, or both."

On page 15, beginning with "(c)" on line 16, strike everything through "or both." on line 22.

Senator Saling spoke to the amendments to the amendment.

#### MOTION

On motion of Senator Saling, and there being no objection, the amendments to the amendment were withdrawn.

#### MOTIONS

On motion of Senator Pullen, the following amendments to the amendment were considered simultaneously and adopted:

On page 7 of the amendment, line 18, after "felony" insert "(j)"

On page 7 of the amendment, line 19, after "chapter," insert "or (ii) that is not the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in schedule I or II that is a narcotic drug."

On page 9 of the amendment, line 3, after "homicide," strike everything through "drug" on line 6, and insert "and vehicular assault"

On motion of Senator Pullen, the following amendment to the amendment was adopted:

On page 24 of the amendment, after line 2, insert the following:

"Nothing in this section, RCW 48.21.180, 48.21.190, 48.44.240, 48.46.350, and sections 403, 405, and 407 of this 1987 act shall be construed to relieve any person of any civil or criminal liability for any act or omission that is the result of a chemical dependency or to grant any person with a chemical dependency any special right, privilege, or status under the law against discrimination, chapter 49.60 RCW."

#### MOTIONS

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

On page 3, line 26, after "shall" insert "(1) order the recording and any copies or transcriptions thereof to be sealed and not to be unsealed or disclosed except upon court order; and (ii) shall"

On motion of Senator Talmadge, the following amendment to the amendment was adopted:

On page 18, beginning on line 33, delete all language down to and including "both." on page 19, line 19

Renumber the remaining sections accordingly.

Senator Bottiger moved that the following amendments by Senators Bottiger and Rasmussen to the amendment be adopted:

On page 28, line 3 of the striking amendment, after "building" insert ", except as provided in section 511 of this act"

On page 29, line 10 of the striking amendment, strike all of NEW SECTION. Sec. 511 and insert the following:

"NEW SECTION. Sec. 511. (1) If the court finds and concludes that the owner of the building or unit within a building had no actual or constructive knowledge of the existence of the nuisance, has not been guilty of any contempt of court in the proceedings, will immediately abate any such nuisance that may exist at the building or unit within a building and prevent it from being a nuisance within a period of one year thereafter, the court shall, if satisfied of the owner's good faith, order the building or unit within a building to be delivered to the owner, and the order of abatement cancelled so far as it may relate to the property.

(2) The release of property under this chapter does not release it from any judgment, lien, penalty or liability to which it may be subject, except as provided in subsection (1)."

Debate ensued.

## POINT OF INQUIRY

Senator Deccio: "Senator Bottiger, I think I go along with what you are trying to do. Would there be a provision in the law, if this amendment passed, if the person who owned the house was in some way involved with the activities even though it was a rental house?"

Senator Bottiger: "Senator, the amendment says, 'Within a building, if the court finds that the owner'—and if I can leave out a few words—'had no actual or constructive knowledge of the existence of the nuisance.' Now, if he is getting \$6,000 a month for a \$600 a month house, I would suggest he had some knowledge of what was going on, but the court would have to find that he knew, or should have known what was going on."

Senator Deccio: "Thank you, Senator Bottiger. We don't have \$6,000 rental houses, but I'll tell you some of the rents they are getting for those kinds of occupancies in Yakima, it just makes you wonder what does go on there. So, I'm glad that's in there. Thank you."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senators Bottiger and Rasmussen to the amendment.

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

## MOTION

On motion of Senator Talmadge, the following amendment to the amendment was adopted:

On page 19, line 28, strike "307" and insert "306"

The President declared the question before the Senate to be adoption of the amendment by Senators Talmadge, Newhouse, Smitherman and Fleming, as amended.

Debate ensued.

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

## MOTION

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

On page 1, line 1 of the title, after "abuse;" strike the remainder of the title and insert "amending RCW 9.73.080, 9.73.050, 9.94A.030, 66.44.270, 69.50.401, 69.50.406, 26.28.080, 66.08.180, 66.20.200, 66.24.320, 66.24.330, 48.21.160, 48.21.180, 48.44.240, and 48.46.350; reenacting and amending RCW 9.73.030 and 10.31.100; adding new sections to chapter 9.73 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding a new section to chapter 66.08 RCW; adding new sections to chapter 66.28 RCW; adding a new section to chapter 69.50 RCW; adding a new chapter to Title 69 RCW; creating new sections; repealing RCW 48.21.170; prescribing penalties; providing effective dates; and declaring an emergency."

## MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute Senate Bill No. 5070 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Nelson: "Senator Talmadge, we've covered a good deal of the sections and the parts of this measure throughout the debate this morning, but the one part that has been of concern to many, is Part IV, dealing with treatment. For the record, I'd like to ask a question regarding that particular Part IV of the bill. If we enact this measure, will we create a new mandated benefit for the treatment of dependency on a controlled substance?"

Senator Talmadge: "Senator Nelson, no. This legislation does not create a new benefit. If you refer to Section 402, for example, you will note that the benefit is for the treatment of the disease of chemical dependency which can be either alcoholism, or dependency on a controlled substance, or both. We have not created a new benefit. We have simply redefined what is covered by the existing single

benefit. For example, assuming the benefit is \$5,000, that benefit is to cover the treatment of alcoholism, or chemical dependency, or both. In effect, people who have not previously been able to get coverage for chemical dependency, will be permitted to get coverage for chemical dependency, under this provision."

Further debate ensued.

#### MOTION

Senator Bailey moved that Engrossed Substitute Senate Bill No. 5070 be referred to the Committee on Ways and Means.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Bailey that Engrossed Substitute Senate Bill No. 5070 be referred to the Committee on Ways and Means.

The motion by Senator Bailey failed.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5070.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5070 and the bill passed the Senate by the following vote: Yeas, 43; nays, 5; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognlid, von Reichbauer, West, Wojahn, Zimmerman - 43.

Voting nay: Senators Garrett, McDermott, Rinehart, Warnke, Williams - 5.

Excused: Senator Peterson - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5070, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

#### REPORTS OF STANDING COMMITTEES

February 12, 1987

SB 5074 Prime Sponsor, Senator Talmadge: Revising involuntary commitment procedures. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5074 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Moore, Nelson.

Referred to Committee on Ways and Means.

February 12, 1987

SB 5165 Prime Sponsor, Senator Williams: Regulating the transportation of radioactive materials. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 5165 be substituted therefor, and the substitute bill do pass. Signed by Senators Williams, Chairman; Owen, Vice Chairman; Smitherman, Stratton.

Passed to Committee on Rules for second reading.

February 12, 1987

SB 5189 Prime Sponsor, Senator Owen: Requiring a single recreational fishing license for all applications. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; DeJarnatt, Vice Chairman; Craswell, McDonald, Metcalf, Patterson, Rasmussen.

Passed to Committee on Rules for second reading.

February 10, 1987

SB 5222 Prime Sponsor, Senator Tanner: Establishing procedures for designating ports of entry for radioactive waste. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 5222 be substituted therefor, and the substitute bill do pass. Signed by Senators Williams, Chairman; Owen, Vice Chairman; Nelson, Smitherman, Stratton.

Passed to Committee on Rules for second reading.

February 11, 1987

SB 5252 Prime Sponsor, Senator Bailey: Establishing a primary prevention program for child abuse and neglect. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5252 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Lee, McDonald, Moore, Owen, Rasmussen, Saling, Talmadge, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 10, 1987

SB 5293 Prime Sponsor, Senator McDermott: Revising business and occupation taxation of health and social welfare services. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5293 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, McDonald, Owen, Rasmussen, Saling, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 11, 1987

SB 5401 Prime Sponsor, Senator Kreidler: Changing provisions relating to the natural death act. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5401 be substituted therefor, and the substitute bill do pass. Signed by Senators Wojahn, Chairman; Anderson, Deccio, Johnson, Kreidler, Tanner.

Passed to Committee on Rules for second reading.

February 10, 1987

SB 5423 Prime Sponsor, Senator Peterson: Reinstating special consular license plates. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5423 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Vice Chairman; Tanner, Vice Chairman; Bailey, Barr, Bender, Garrett, Johnson, Nelson, Patterson, Smitherman, von Reichbauer.

Passed to Committee on Rules for second reading.

February 12, 1987

SB 5427 Prime Sponsor, Senator Kreidler: Adopting an ecology procedures simplification act. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass. Signed by Senators Kreidler, Chairman; Rinehart, Vice Chairman; Bluechel, Hansen, Kiskaddon.

Passed to Committee on Rules for second reading.

February 12, 1987

SB 5444 Prime Sponsor, Senator Moore: Challenging the delegation of authority to create money. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Metcalf, Pullen, von Reichbauer.

Passed to Committee on Rules for second reading.

February 12, 1987

SB 5454 Prime Sponsor, Senator Talmadge: Providing for the financing of pollution control facilities. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 5454 be substituted therefor, and the substitute bill do pass. Signed by Senators Kreidler, Chairman; Bluechel, Hansen, Kiskaddon.

Passed to Committee on Rules for second reading.

- February 12, 1987

SB 5460 Prime Sponsor, Senator Fleming: Establishing the state crime laboratory task force. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5460 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Moore, Nelson.

Passed to Committee on Rules for second reading.

February 12, 1987

SB 5466 Prime Sponsor, Senator Moore: Revising provisions on fees assessed against health maintenance organizations. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 5466 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Fleming, McDermott, Metcalf, Pullen, von Reichbauer.

Passed to Committee on Rules for second reading.

February 12, 1987

SB 5482 Prime Sponsor, Senator Patterson: Specifying that a percentage of the increase in tuition and fees funds financial aid for students at public institutions of higher education. Reported by Committee on Education

MAJORITY recommendation: Do pass and refer to Committee on Ways and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Patterson, Smitherman, Warnke.

Referred to Committee on Ways and Means.

February 12, 1987

SB 5553 Prime Sponsor, Senator Talmadge: Establishing the children and family services pilot project. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass and refer to Committee on Human Services and Corrections. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Moore, Nelson.

Referred to Committee on Human Services and Corrections.

February 12, 1987

SB 5554 Prime Sponsor, Senator Talmadge: Revising provisions relating to child protective services. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass and refer to Committee on Human Services and Corrections. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Moore, Nelson.

Referred to Committee on Human Services and Corrections.

February 12, 1987

SB 5558 Prime Sponsor, Senator Gaspard: Providing grants to Washington state scholars attending independent colleges or universities. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Bailey, Benitz, Craswell, Smitherman, Warnke.

Passed to Committee on Rules for second reading.

February 12, 1987

SB 5631 Prime Sponsor, Senator Smitherman: Providing for the recruitment of teachers from underrepresented groups. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Patterson, Smitherman.

Passed to Committee on Rules for second reading.

February 12, 1987

SJM 8000 Prime Sponsor, Senator Halsan: Requesting Congress review United States Forest Service designation of spotted owl habitat. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Barr, Conner, Craswell, McDonald, Patterson.

Passed to Committee on Rules for second reading.

#### GUBERNATORIAL APPOINTMENTS

February 12, 1987

GA 9033 CHARLES ALEXANDER, appointed May 12, 1986, for a term ending January 4, 1991, as a member of the State Personnel Board, succeeding Carl Westine.  
Reported by Committee on Governmental Operations

MAJORITY recommendation: That said appointment be confirmed Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Talmadge, Zimmerman

Passed to Committee on Rules.

February 12, 1987

GA 9034 JOANNE BAILEY WILSON, appointed May 21, 1986, for a term ending July 26, 1991, as a member of the Personnel Appeals Board, succeeding Vern Stonecypher.  
Reported by Committee on Governmental Operations

MAJORITY recommendation: That said appointment be confirmed Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Talmadge, Zimmerman

Passed to Committee on Rules.

February 12, 1987

GA 9049 MARY FAULK, appointed August 13, 1986, for a term ending at the Governor's pleasure, as Director of the Department of General Administration.  
Reported by Committee on Governmental Operations

MAJORITY recommendation: That said appointment be confirmed Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Talmadge, Zimmerman

Passed to Committee on Rules.

February 12, 1987

GA 9084 RICHARD C. KELLEY, appointed January 6, 1987, for a term ending January 4, 1993, as a member of the State Personnel Board.  
Reported by Committee on Governmental Operations

MAJORITY recommendation: That said appointment be confirmed Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Talmadge, Zimmerman

Passed to Committee on Rules.

#### MOTIONS

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Vognild, the Committee on Natural Resources was relieved of further consideration of Senate Bill No. 5457.

On motion of Senator Vognild, Senate Bill No. 5457 was referred to the Committee on Agriculture.

#### MOTION

At 12:31 p.m., on motion of Senator Vognild, the Senate adjourned until 9:30 a.m., Monday, February 16, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

### THIRTY-SIXTH DAY

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#### MORNING SESSION

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Senate Chamber, Olympia, Monday, February 16, 1987

The Senate was called to order at 9:30 a.m. by President Pro Tempore Rasmussen. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators DeJarnatt and Peterson. On motion of Senator Bender, Senators DeJarnatt and Peterson were excused.

The Sergeant at Arms Color Guard, consisting of Pages Gina and John Heimbigner, presented the Colors. Sister Georgette Bayless, director of pastoral care for St. Peter's Hospital of Olympia, offered the prayer.

#### MOTION

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

#### INTRODUCTION AND FIRST READING

##### SB 5841 by Senator Tanner

AN ACT Relating to the mental competence of criminal defendants; amending RCW 71.05.280 and 71.05.290; adding new sections to chapter 10.77 RCW; repealing RCW 10.77.010, 10.77.020, 10.77.030, 10.77.040, 10.77.050, 10.77.060, 10.77.070, 10.77.080, 10.77.090, 10.77.100, 10.77.110, 10.77.120, 10.77.130, 10.77.140, 10.77.150, 10.77.160, 10.77.163, 10.77.165, 10.77.170, 10.77.180, 10.77.190, 10.77.200, 10.77.210, 10.77.220, 10.77.230, 10.77.240, 10.77.250, 10.77.900, 10.77.910, 10.77.920, 10.77.930, and 9A.12.010; and providing an effective date.

Referred to Committee on Judiciary.

##### SB 5842 by Senators McDermott, Deccio, Williams, Warnke, Wojahn and McDonald

AN ACT Relating to eligibility for medical assistance; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Ways and Means.

##### SB 5843 by Senators Moore, Bender, Fleming, Bauer, Johnson and Stratton

AN ACT Relating to insurance premium taxation; amending RCW 48.14.020; adding new sections to chapter 43.59 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Financial Institutions.

##### SB 5844 by Senators Conner and Peterson

AN ACT Relating to motor freight carriers and brokers; amending RCW 81.80.010 and 81.04.010; and adding new sections to chapter 81.80 RCW.

Referred to Committee on Transportation.

##### SB 5845 by Senators Owen, Anderson, Kreidler, Smitherman and Warnke

AN ACT Relating to forest practices; amending RCW 76.09.010, 76.09.050, and 76.09.070; adding new sections to chapter 76.09 RCW; repealing RCW 76.09.950; making an appropriation; and declaring an emergency.

Referred to Committee on Natural Resources.

##### SB 5846 by Senators Kreidler and Bluechel

AN ACT Relating to boating safety; amending RCW 43.51.400; adding new sections to chapter 43.51 RCW; and making an appropriation.

Referred to Committee on Parks and Ecology.

##### SB 5847 by Senators Hansen, Barr, Bauer and Bailey

AN ACT Relating to irrigation districts; and amending RCW 87.03.310.

Referred to Committee on Agriculture.

SB 5848 by Senators Tanner, Deccio, Moore, Newhouse, McDonald, Smitherman and Warnke

AN ACT Relating to real estate brokers; and adding new sections to chapter 18.85 RCW.

Referred to Committee on Commerce and Labor.

SB 5849 by Senators Bottiger, Deccio, Talmadge and Sellar

AN ACT Relating to insurance; and amending RCW 48.18.290.

Referred to Committee on Financial Institutions.

SB 5850 by Senator Tanner

AN ACT Relating to traffic infractions; amending RCW 46.52.130, 46.61.400, 46.61.405, 46.61.410, 46.61.415, 46.61.465, and 46.63.070; and prescribing penalties.

Referred to Committee on Transportation.

SB 5851 by Senators Rasmussen, Warnke, Smitherman, Bender and Vognilid

AN ACT Relating to extension of unemployment benefits; amending RCW 50.22.112; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 5852 by Senators Warnke and Bender

AN ACT Relating to manufactured housing in restrictive zones; amending RCW 35.63.010, 35.63.110, 35A.63.010, 35A.63.100, 36.70.020, and 36.70.750; creating a new section; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 5853 by Senators Kreidler and Rinehart

AN ACT Relating to the reduction of air pollution from forest debris burning; adding new sections to chapter 70.94 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Parks and Ecology.

SB 5854 by Senators Kreidler, Moore, Metcalf and Deccio

AN ACT Relating to continuing care contracts; adding a new chapter to Title 48 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Financial Institutions.

SB 5855 by Senators Smitherman and Newhouse

AN ACT Relating to underinsured motor vehicle liability insurance; adding new sections to chapter 48.22 RCW; repealing RCW 48.22.030 and 48.22.040; and providing an effective date.

Referred to Committee on Transportation.

SB 5856 by Senators Barr, Zimmerman and Garrett

AN ACT Relating to employer liability for extra retirement costs; and amending RCW 41.50.150.

Referred to Committee on Governmental Operations.

SB 5857 by Senators Wojahn, Deccio, Tanner, Johnson and Vognilid

AN ACT Relating to the professional discipline of physicians; adding new sections to chapter 18.71 RCW; and adding a new section to chapter 42.17 RCW.

Referred to Committee on Human Services and Corrections.

SJM 8008 by Senators Conner, Anderson, Metcalf, Vognilid, Kreidler, Tanner, Smitherman, DeJarnatt, Talmadge, Garrett, Peterson and Moore

Requesting funding for a comprehensive oil spill program.

Referred to Committee on Parks and Ecology.

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

#### SECOND READING

SENATE BILL NO. 5065, by Senators Talmadge, Halsan, Newhouse, Nelson, Bottiger, Moore, Deccio, Garrett, Rasmussen, Johnson, Hayner and Tanner

Requiring witnesses to report sexual offenses and child assault.

#### MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 5065 was substituted for Senate Bill No. 5065 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 5065 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Nelson: "Senator Talmadge, on page 2 of this measure, Subsection 5, I think Senator, we realize that many battered woman are fearful of further abuse to their children or to themselves if they report some suspected abuse. Would the requirements to report, as quoted here, 'as soon as reasonably possible,' allow a battered woman to report suspected abuse, after she has taken steps to secure the safety of the children and herself?"

Senator Talmadge: "Yes, Senator Nelson. The prosecutor would need to consider any mitigating circumstances which would include, a battered woman's need to get her children and herself to safety before she is able to report a suspected abuse. The intention is that she do that as soon as possible, but she would be protected from being compelled to report in a circumstance where she was subject to potential battering."

#### POINT OF INQUIRY

Senator Pullen: "Senator Talmadge, if a person were witnessing a neighbor spanking his or her child, would the neighbor have to report this to the authorities under the terms of this bill?"

Senator Talmadge: "Senator, it would be only in circumstances that suggested the child was being subjected to abuse. If there were the usual kinds of spanking situation, I think not. However, if the person saw the neighbor, for example, taking some sort of object to the child, a serious object to the child, engaging in a certain set of circumstances where it was clear to that individual, as a reasonable person observing the situation, that the child was being abused, then the individual would have to make some sort of telephone call as soon as possible."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5065.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5065 and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Paterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senators Benitz, Pullen - 2.

Absent: Senator Kiskaddon - 1.

Excused: Senators DeJarnatt, Peterson - 2.

SUBSTITUTE SENATE BILL NO. 5065, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5174, by Senators Hansen, Barr, Gaspard, Bauer, Anderson, Bailey, Warnke, Lee and von Reichbauer

Allowing the state investment board to invest in Washington land bank.

## MOTIONS

On motion of Senator Hansen, Substitute Senate Bill No. 5174 was substituted for Senate Bill No. 5174 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hansen, the rules were suspended, Substitute Senate Bill No. 5174 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5174.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5174 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

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

Excused: Senators DeJamatt, Peterson - 2.

SUBSTITUTE SENATE BILL NO. 5174, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## INTRODUCTION OF SPECIAL GUEST

The President Pro Tempore introduced the Honorable Norm Dicks, United States Representative from the state of Washington, who was seated with him on the rostrum.

With permission of the Senate, business was suspended to permit Representative Dicks to address the Senate.

## APPOINTMENT OF SPECIAL COMMITTEE

The President Pro Tempore appointed Senators Bottiger, Sellar, Fleming and Newhouse as a committee to escort the Honorable Dan Evans, United States Senator from the state of Washington, to the rostrum.

The President Pro Tempore introduced the Honorable Dan Evans.

With permission of the Senate, business was suspended to permit Senator Evans to address the Senate.

After a question and answer session, the committee escorted Senator Evans from the chamber and the committee was discharged.

## APPOINTMENT OF SPECIAL COMMITTEE

The President Pro Tempore appointed Senators Hayner, Hansen, Patterson, Sellar and Stratton as a committee to escort the Washington State Wheat Queen to the rostrum.

The President Pro Tempore introduced Queen Brenda R. Isaak.

With permission of the Senate, business was suspended to permit the Wheat Queen to address the Senate.

The committee escorted Queen Brenda from the chamber and the committee was discharged.

## MOTION

At 10:45 a.m., on motion of Senator Fleming, the Senate was declared to be at ease.

The Senate was called to order at 11:46 a.m. by President Pro Tempore Rasmussen.

There being no objection, the President Pro Tempore advanced the Senate to the ninth order of business.

## MOTIONS

On motion of Senator Vognild, the Committee on Judiciary was relieved of further consideration of Senate Bill No. 5736.

On motion of Senator Vognild, Senate Bill No. 5736 was referred to the Committee on Financial Institutions.

## MOTION

At 11:47 a.m., on motion of Senator Vognild, the Senate adjourned until 12:00 noon, Tuesday, February 17, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## THIRTY-SEVENTH DAY

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### NOON SESSION

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Senate Chamber, Olympia, Tuesday, February 17, 1987

The Senate was called to order at 12:00 noon by President Cherberg. No roll call was taken.

The Sergeant at Arms Color Guard, consisting of Pages Pernille Breinholm and Jeremy Robb, presented the Colors. Sister Georgette Bayless, director of pastoral care for St. Peter's Hospital of Olympia, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

February 12, 1987

SB 5124 Prime Sponsor, Senator Peterson: Revising procedures for impoundment and disposition of unauthorized, abandoned, junk, and other vehicles. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5124 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Tanner, Vice Chairman; Bailey, DeJarnatt, Garrett, Halsan, Patterson, Smitherman.

Passed to Committee on Rules for second reading.

February 13, 1987

SB 5132 Prime Sponsor, Senator Warnke: Requiring a long-term study of public assistance recipients. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5132 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Lee, Sellar, Tanner, Vognild, West, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 16, 1987

SB 5138 Prime Sponsor, Senator McDermott: Authorizing disclosure of information received under tax deferral and tax credit programs. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Cantu, Craswell, Kreidler, Lee, McDonald, Moore, Rinehart, Talmadge, Vognild, Warnke, Williams.

Passed to Committee on Rules for second reading.

February 16, 1987

SB 5146 Prime Sponsor, Senator Smitherman: Authorizing life insurance coverage for port district commissioners. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; McCaslin, Pullen, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

February 16, 1987

SB 5158 Prime Sponsor, Senator Owen: Establishing a mediation process to settle Indian tribal shellfish harvesting claims and regulating commercial shellfish harvesting. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5158 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; Conner, Craswell, McDonald, Patterson, Stratton.

Passed to Committee on Rules for second reading.

February 16, 1987

SB 5175 Prime Sponsor, Senator Hansen: Modifying definition of farm and agricultural land for property tax purposes. Reported by Committee on Rules

MAJORITY recommendation: Refer to Committee on Ways and Means. Signed by John A. Cherberg, Chairman; Senators Rasmussen, Vice Chairman; Bauer, Bender, Benitz, Bottiger, Conner, Fleming, Garrett, Hayner, Newhouse, Sellar, Vognild, von Reichbauer, Zimmerman.

Referred to Committee on Ways and Means.

February 11, 1987

SB 5217 Prime Sponsor, Senator Wojahn: Establishing wellness program for state employees. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Wojahn, Chairman; Deccio, Johnson, Kiskaddon, Kreidler.

Passed to Committee on Rules for second reading.

February 11, 1987

SB 5263 Prime Sponsor, Senator Gaspard: Establishing a ratio of vocational education teachers to students. Reported by Committee on Education

MAJORITY recommendation: Do pass and refer to Committee on Ways and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Craswell, Patterson, Saling, Smitherman, Warnke.

Referred to Committee on Ways and Means.

February 13, 1987

SB 5265 Prime Sponsor, Senator Warnke: Eliminating certain restrictions on purchase of beer by licensed beer retailers. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Lee, Sellar, Vognild, West, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 13, 1987

SB 5273 Prime Sponsor, Senator Warnke: Authorizing the use of lottery proceeds for urban area parks. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Tanner, Vognild, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 13, 1987

SB 5294 Prime Sponsor, Senator Barr: Limiting application of predecessor-successor employer unemployment contribution rates to changes of ownership. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Lee, Tanner, Vognild, West, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 13, 1987

SB 5327 Prime Sponsor, Senator Garrett: Requiring the employment security department to report on special attention service given to disabled persons. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Lee, Sellar, Tanner, Vognild, West, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 13, 1987

SB 5329 Prime Sponsor, Senator Garrett: Requiring a study to determine disincentives to work contained in public benefit programs for persons of disability. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5329 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Cantu, Sellar, Tanner, Vognild, West, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 12, 1987

SB 5333 Prime Sponsor, Senator Gaspard: Giving all members on the state board of education the authority to vote. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5333 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Bailey, Benitz, Craswell, Smitherman, Warnke.

Passed to Committee on Rules for second reading.

February 16, 1987

SB 5339 Prime Sponsor, Senator Talmadge: Revising provisions relating to mechanics' liens. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

February 12, 1987

SB 5379 Prime Sponsor, Senator Owen: Providing for the enhancement of Grays Harbor salmon production. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Owen, Chairman; DeJarnatt, Vice Chairman; Barr, Conner, McDonald, Metcalf, Stratton.

Referred to Committee on Ways and Means.

February 13, 1987

SB 5410 Prime Sponsor, Senator Conner: Extending time limit for appeals of decision of the employment security department. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Lee, Sellar, Tanner, Vognild, West, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 12, 1987

SB 5413 Prime Sponsor, Senator Peterson: Updating state highway descriptions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Tanner, Vice Chairman; Bailey, Barr, Bender, Conner, DeJarnatt, Garrett, Halsan, Patterson, Smitherman.

Passed to Committee on Rules for second reading.

February 12, 1987

SB 5415 Prime Sponsor, Senator Peterson: Modifying provisions relating to rights of way. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Tanner, Vice Chairman; Bailey, Barr, Bender, Conner, DeJarnatt, Garrett, Halsan, Patterson, Smitherman, West.

Passed to Committee on Rules for second reading.

February 12, 1987

SB 5416 Prime Sponsor, Senator Peterson: Changing requirements for establishment of certain limited access facilities. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Tanner, Vice Chairman; Bailey, Bender, Conner, DeJarnatt, Garrett, Halsan, Patterson, Smitherman, West.

Passed to Committee on Rules for second reading.

February 13, 1987

SB 5436 Prime Sponsor, Senator Warnke: Revising unemployment compensation provisions on individuals with multiple employers. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5436 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Lee, Sellar, Tanner, Vognild, West.

Passed to Committee on Rules for second reading.

February 16, 1987

SB 5550 Prime Sponsor, Senator Talmadge: Revising provisions relating to sexual offenders. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Bottiger, McCaslin, Moore, Nelson, Newhouse.

Refer to Committee on Ways and Means.

February 16, 1987

SB 5625 Prime Sponsor, Senator Gaspard: Providing a pilot program to provide health and assessment services before school begins. Reported by Committee on Education

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Smitherman, Warnke.

Refer to Committee on Ways and Means.

February 16, 1987

SB 5627 Prime Sponsor, Senator Gaspard: Establishing the state clearinghouse for educational information revolving fund. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Craswell, Patterson, Saling, Smitherman.

Passed to Committee on Rules for second reading.

February 17, 1987

SB 5747 Prime Sponsor, Senator Williams: Providing for a nonprofit historic preservation corporation. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass. Signed by Senators Kreidler, Chairman; Rinehart, Vice Chairman; Bluechel, Hansen.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

February 13, 1987

Mr. President:

The House has passed:

HOUSE BILL NO. 3,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 25,

SUBSTITUTE HOUSE BILL NO. 56,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 83, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

February 16, 1987

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 125,

SUBSTITUTE HOUSE BILL NO. 130,

ENGROSSED HOUSE BILL NO. 254,

HOUSE BILL NO. 277,

HOUSE BILL NO. 279,

HOUSE BILL NO. 280, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 5858 by Senators Johnson, Warnke, Talmadge, Stratton, Bottiger, McDermott, Bailey, von Reichbauer, Cantu, Lee and McDonald

AN ACT Relating to the collection of retail sales tax on the sale of mobile homes by mobile home dealers or selling agents; adding a new section to chapter 82.08 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 5859 by Senators Halsan, Warnke, Johnson, Bauer, Garrett, Conner, Owen, Zimmerman, Bottiger, Gaspard, Hansen, Metcalf, Benitz, Barr, von Reichbauer, Vognild, Patterson, Nelson, Pullen and Moore

AN ACT Relating to fireworks, creating new state fireworks regulations, strengthening state fireworks enforcement provisions, requiring all sales to comply with state regulation, preempting local authority to regulate fireworks; amending RCW 70.77.126, 70.77.131, 70.77.136, 70.77.177, 70.77.250, 70.77.255, 70.77.265, 70.77.270, 70.77.280, 70.77.285, 70.77.311, 70.77.315, 70.77.345, 70.77.355, 70.77.370, 70.77.395, 70.77.435, 70.77.440, 70.77.450, 70.77.525, 70.77.555, and 35.22.280; adding new sections to chapter 70.77 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 5860 by Senators Rasmussen and Warnke

AN ACT Relating to neuroleptic drugs; adding a new section to chapter 69.41 RCW; and creating a new section.

Referred to Committee on Human Services and Corrections.

SB 5861 by Senators Tanner, Johnson, Moore, Hansen and Conner

AN ACT Relating to exempting small passenger vessels from certain provisions of chapter 88.16 RCW; amending RCW 88.16.070; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

SB 5862 by Senators Warnke, Garrett and Rasmussen

AN ACT Relating to amendments to comprehensive plans; and amending RCW 35.63.105, 35A.63.073, and 36.70.380.

Referred to Committee on Commerce and Labor.

SB 5863 by Senators Warnke, Garrett and Rasmussen

AN ACT Relating to mobile homes; and amending RCW 59.20.070.

Referred to Committee on Commerce and Labor.

SB 5864 by Senators Smitherman, Warnke, Bender, Garrett and Rasmussen

AN ACT Relating to relocation assistance; and amending RCW 8.26.020, 8.26.040, 8.26.060, and 8.26.070.

Referred to Committee on Commerce and Labor.

SB 5865 by Senators Moore, Bender, Metcalf and Pullen

AN ACT Relating to promotional shares; and adding a new section to chapter 21.20 RCW.

Referred to Committee on Financial Institutions.

SB 5866 by Senator Cantu

AN ACT Relating to workers' compensation payments; and amending RCW 51.32.210

Referred to Committee on Commerce and Labor.

SB 5867 by Senator Barr

AN ACT Relating to defining actions against persons providing alcoholic beverages to others as social hosts or as alcoholic beverage servers; amending RCW 4.22.070; adding a new section to chapter 5.64 RCW; and adding new sections to chapter 66.44 RCW.

Referred to Committee on Judiciary.

SB 5868 by Senators Newhouse, Talmadge and Rasmussen

AN ACT Relating to vehicular homicide and assault; amending RCW 46.20.285, 46.61.520, and 46.61.522; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5869 by Senator Williams

AN ACT Relating to electric weapons; amending RCW 9.41.010; adding a new section to chapter 9.41 RCW; adding a new section to chapter 43.101 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SJM 8009 by Senators Moore and Talmadge

Requesting rejection of reductions in student financial aid.

Referred to Committee on Education.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

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

Revising provisions relating to overpayment of retirement benefits.

Referred to Committee on Ways and Means.

ESHB 25 by Committee on State Government (originally sponsored by Representatives H. Sommers, B. Williams, Sayan, Holland, Brekke and P. King) (by request of Legislative Budget Committee)

Revising provisions for state publications.

Referred to Committee on Governmental Operations.

SHB 56 by Committee on Natural Resources (originally sponsored by Representative Sutherland)

Modifying provisions relating to surface mining permits and fees.

Referred to Committee on Natural Resources.

ESHB 83 by Committee on Transportation (originally sponsored by Representatives Baugher, Prince, Grant, Lewis, Scott, Ballard, J. Williams, Jacobsen, S. Wilson, Lux, Basich, Patrick, Walk, Gallagher, Zellinsky, Haugen, Schmidt, Betrozoff, Day, Braddock, McMullen,

Spanel, Rayburn, Holm, Heavey, Jesernig, P. King, Fisch, Taylor, Fuhrman, Ferguson, Bumgarner, McLean, Walker, D. Sommers, Schoon, May, Miller, Rasmussen, Winsley, Nealey, Silver, C. Smith and Unsoeld)

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

Referred to Committee on Transportation.

EHB 125 by Representatives R. King, Fuhrman, Sayan and P. King (by request of Department of Game)

Permitting the game commission to designate times and places for fishing without a license.

Referred to Committee on Natural Resources.

SHB 130 by Committee on Transportation (originally sponsored by Representatives Vekich, Fisch and Zellinsky)

Authorizing procedures for collection of airport use fees.

Referred to Committee on Transportation.

EHB 254 by Representatives Walk, Schmidt and Gallagher (by request of Department of Licensing)

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

Referred to Committee on Transportation.

HB 277 by Representatives Gallagher, Doty, Walk, Schmidt and P. King (by request of Department of Licensing)

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

Referred to Committee on Transportation.

HB 279 by Representatives Gallagher, Doty, Walk, Schmidt and P. King (by request of Department of Licensing)

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

Referred to Committee on Transportation.

HB 280 by Representatives Heavey, Schmidt and Walk (by request of Department of Licensing)

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

Referred to Committee on Transportation.

#### MOTION

At 12:08 p.m., on motion of Senator Vognild, the Senate adjourned until 9:30 a.m., Wednesday, February 18, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

**THIRTY-EIGHTH DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Wednesday, February 18, 1987

The Senate was called to order at 9:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Barr, Hayner, McDermott, McDonald, Moore, Peterson and von Reichbauer. On motion of Senator Zimmerman, Senators Hayner and von Reichbauer were excused. On motion of Senator Vognild, Senators McDermott and Peterson were excused.

The Sergeant at Arms Color Guard, consisting of Pages Missy Jones and Ian Henderson, presented the Colors. Sister Georgette Bayless, director of pastoral care for St. Peter's Hospital of Olympia, offered the prayer.

**MOTION**

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

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

**SECOND READING**

SENATE BILL NO. 5168, by Senators Hansen, Barr, Gaspard, Anderson and Bailey

Extending the period during which crop liens may be filed.

**MOTIONS**

On motion of Senator Hansen, Substitute Senate Bill No. 5168 was substituted for Senate Bill No. 5168 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hansen, the rules were suspended, Substitute Senate Bill No. 5168 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

**POINT OF INQUIRY**

Senator Pullen: "Would Senator Sellar yield to a question? I guess he is not here, but I was wondering if we had caucused on the bill, as I didn't remember caucusing on them."

**REMARKS BY SENATOR FLEMING**

Senator Fleming: "Mr. President, I think that Senator Vognild had talked to Senator Newhouse. Many times when we come out on the floor, there is a consent calendar and there are some bills that we try and use to get started with our business here, sort of a roll taker to make sure everyone is here, so we assumed it was okay."

Senator Pullen: "I think that's excellent. I think that's an excellent roll taking bill and I think your judgment is excellent. I just wanted to make sure we weren't going to go down fifty new bills, even though they are all consent bills without at least some caucus time on them."

Senator Fleming: "No, Senator Pullen, we farmers got together early this morning at 7:30 and thought this was a good bill to take a roll call."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5168.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5168 and the bill passed the Senate by the following vote: Yeas, 41; absent, 4; excused, 4.

Voting yeas: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, West, Williams, Wojahn, Zimmerman - 41.

Absent: Senators Barr, Garrett, McDonald, Moore - 4.

Excused: Senators Hayner, McDermott, Peterson, von Reichbauer - 4.

SUBSTITUTE SENATE BILL NO. 5168, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Zimmerman, Senator McDonald was excused.

## SECOND READING

SENATE BILL NO. 5460, by Senators Fleming and Vognild

Establishing the state crime laboratory task force.

## MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 5460 was substituted for Senate Bill No. 5460 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 5460 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5460.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5460 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

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

Excused: Senators Hayner, McDonald, Peterson, von Reichbauer - 4.

SUBSTITUTE SENATE BILL NO. 5460, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

## INTRODUCTION AND FIRST READING

SB 5870 by Senator Bottiger

AN ACT Relating to manufactured housing in restrictive zones; amending RCW 35.63.010, 35.63.110, 35A.63.010, 35A.63.100, 36.70.020, and 36.70.750; creating a new section; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 5871 by Senator Peterson

AN ACT Relating to child day care; adding a new section to chapter 28B.50 RCW; and making an appropriation.

Referred to Committee on Education.

SB 5872 by Senator Peterson

AN ACT Relating to tuition fees; and amending RCW 28B.15.402.

Referred to Committee on Education.

SB 5873 by Senator Peterson

AN ACT Relating to higher education financial aid; and amending RCW 28B.10.802, 28B.10.804, 28B.10.810, and 28B.15.065.

Referred to Committee on Education.

SB 5874 by Senator Peterson

AN ACT Relating to community college tuition fees; and amending RCW 28B.15.502.

Referred to Committee on Education.

SB 5875 by Senator Peterson

AN ACT Relating to insurance; and adding a new chapter to Title 48 RCW.

Referred to Committee on Financial Institutions.

SB 5876 by Senator Peterson

AN ACT Relating to equalizing hours of service of motor freight carriers; and amending RCW 46.73.010.

Referred to Committee on Transportation.

SB 5877 by Senator Peterson

AN ACT Relating to identification of trucks; and adding a new section to chapter 46.37 RCW.

Referred to Committee on Transportation.

SB 5878 by Senator Peterson

AN ACT Relating to valuation of vehicles; and amending RCW 82.44.050.

Referred to Committee on Transportation.

SB 5879 by Senator Halsan

AN ACT Relating to the employment of enforcement personnel under the state board of registration for professional engineers and land surveyors; amending RCW 18.43.035; and adding a new section to chapter 18.43 RCW.

Referred to Committee on Governmental Operations.

SB 5880 by Senators Benitz, Saling, Bailey, Owen and Bauer

AN ACT Relating to private vocational schools; amending RCW 28C.10.050 and 28C.10.060; adding new sections to chapter 28C.10 RCW; repealing RCW 28C.10.080; and declaring an emergency.

Referred to Committee on Education.

SB 5881 by Senators Benitz, Owen, Smitherman, Wojahn, Stratton and Bailey

AN ACT Relating to subsidization of unregulated activities of public service companies; amending RCW 19.86.170, 80.04.405, and 80.04.110; adding a new section to chapter 80.04 RCW; and creating a new section.

Referred to Committee on Commerce and Labor.

SB 5882 by Senators Moore and Patterson

AN ACT Relating to contractors insurance; and amending RCW 18.27.050.

Referred to Committee on Commerce and Labor.

SB 5883 by Senators Williams, Kreidler, Benitz and Halsan

AN ACT Relating to appliance energy efficiency; and adding new sections to chapter 19.27A RCW.

Referred to Committee on Energy and Utilities.

SB 5884 by Senator Talmadge

AN ACT Relating to condominiums; and adding a new chapter to Title 64 RCW.

Referred to Committee on Judiciary.

SB 5885 by Senators Halsan, Garrett, Warnke, Talmadge, Kiskaddon, Gaspard, Bender and DeJarnatt

AN ACT Relating to earthquakes; adding new sections to chapter 43.63A RCW; creating new sections; and making appropriations.

Referred to Committee on Governmental Operations.

SB 5886 by Senators Wojahn, Anderson, Vognild, Stratton, Moore, Patterson and Barr

AN ACT Relating to certificate of need; and amending RCW 70.38.015, 70.38.025, 70.38.045, 70.38.105, and 70.38.115.

Referred to Committee on Human Services and Corrections.

SB 5887 by Senators Wojahn, Kiskaddon, Moore, Patterson and Barr

AN ACT Relating to hospital health care services; establishing a moratorium upon rate regulation by the state hospital commission; adding a new section to chapter 70.39 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Human Services and Corrections.

#### MOTION

At 9:52 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 11:21 a.m. by President Cherberg.

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

#### SECOND READING

SENATE BILL NO. 5031, by Senators Owen, Warnke, Gaspard, Tanner, DeJarnatt, Moore, Johnson and Garrett

Extending protection to government employees who report improper activity to a state legislator.

#### MOTIONS

On motion of Senator Halsan, Substitute Senate Bill No. 5031 was substituted for Senate Bill No. 5031 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Halsan, the rules were suspended, Substitute Senate Bill No. 5031 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5031.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5031 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator Hayner - 1.

SUBSTITUTE SENATE BILL NO. 5031, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5106, by Senators Bottiger, Hayner, Halsan, Deccio and West

Revising the qualifications of members of the organized crime advisory committee.

## MOTIONS

On motion of Senator Bottiger, Substitute Senate Bill No. 5106 was substituted for Senate Bill No. 5106 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Halsan, the rules were suspended, Substitute Senate Bill No. 5106 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5106.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5106 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator Hayner - 1.

SUBSTITUTE SENATE BILL NO. 5106, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5040, by Senator Rasmussen

Requiring the rectification of boundary discrepancies prior to plat approval.

The bill was read the second time.

## MOTION

Senator Halsan moved that the following amendment by Senators Halsan and McCaslin be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 6, chapter 271, Laws of 1969 ex. sess. as amended by section 3, chapter 134, Laws of 1974 ex. sess. and RCW 58.17.060 are each amended to read as follows:

The legislative body of a city, town, or county shall adopt regulations and procedures, and appoint administrative personnel for the summary approval of short plats and short subdivisions, or revision thereof. Such regulations shall be adopted by ordinance and may contain wholly different requirements than those governing the approval of preliminary and final plats of subdivisions and may require surveys and monumentations and shall require filing of a short plat for record in the office of the county auditor: PROVIDED, That such regulations must contain a requirement that land in short subdivisions may not be further divided in any manner within a period of five years without the filing of a final plat: PROVIDED FURTHER, That such regulations are not required to contain a penalty clause as provided in RCW 36.32.120 and may provide for wholly injunctive relief.

Ordinances requiring surveys may permit short plat approval before commencement of the survey, contingent upon completion of the survey, prior to filing the short plat. If the survey reveals a discrepancy in boundary lines, the short plat shall not be given final approval until the discrepancy has been rectified and the title quieted.

NEW SECTION. Sec. 2. A new section is added to chapter 58.17 RCW to read as follows:

No plat shall be approved by any city, town, or county where the survey required under RCW 58.17.060 or 58.17.160 reveals a discrepancy in boundary lines until the discrepancy has been rectified and the title has been quieted."

Debate ensued.

## POINT OF INQUIRY

Senator Bluechel: "Senator Halsan, as I read your amendment, it seems to indicate that short platting is a two-step procedure. Is that correct in all counties and cities, including charter counties, or is it a one-step procedure?"

Senator Halsan: "Under the present practice, depending on the county, the survey may or may not be required, depending on whether the county legislative authority has, in fact, requested or required that to be done. The part that you see as being, potentially, a two-step procedure, is the part that facilitates the short platting and allows the developer, or a person who wishes to short plat, to request approval of that and find out whether it is going to be approved before they invest in maybe thousands of dollars in a survey. It would allow the developer, or the person requesting a short plat, to get approval before they spend a great deal of money. It is not really two steps, but it allows conditional approval."

## POINT OF INQUIRY

Senator Barr: "Senator Halsan, I just wonder if the last words on your amendment 'and the title quieted,' isn't going to open up the door and go so far beyond what you are worrying about in the surveys, I doubt if you even need that on there--'that the title be quieted'--because that could be interpreted to mean that it would have to be quieted for a lot of other reasons than what you are addressing in this amendment. I would suggest that you just drop that off, unless you have a good reason for it to be on there. That opens up Pandora's Box for an awful lot of confusion, it seems to me."

Senator Halsan: "Senator Barr, I think in answer to your question in the first instance and for legislative intent and in the second instance, that the idea is that if there is a discrepancy that arises in the course of the application for a short plat, the discrepancy in the boundary line should be cleared up before, in fact, the plat is approved. I think that anyone wishing to buy a piece of property and finds out there is a wrong property line in the process of getting a short plat, would do that as a matter of course before they put their money in to the situation."

"As I say, for purposes of legislative intent, 'the title quieted,' is a term used relative to when there is a boundary line and you get that shifted to where it should be and that is all ironed out legally, you are quieting the title as to that. Your concern as to whether the title should be quieted relative to all other matters or clouds upon the title is not the intent of this particular bill--that quieting of the title as to that property line, that might be a discrepancy. For purposes of legislative intent, that is what we intend to do."

Further debate ensued.

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

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

## MOTIONS

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

On page 1, line 1 of the title, after "land," strike the remainder of the title and insert "amending RCW 58.17.060; and adding a new section to chapter 58.17 RCW."

On motion of Senator Halsan, the rules were suspended, Engrossed Senate Bill No. 5040 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5040.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5040 and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; absent, 1; excused, 1.

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

Voting nay: Senators Craswell, Sellar - 2.

Absent: Senator Lee - 1.

Excused: Senator Hayner - 1.

ENGROSSED SENATE BILL NO. 5040, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5139, by Senators McDermott and Rasmussen (by request of Office of Code Reviser)

Consolidating cigarette tax provisions.

The bill was read the second time.

#### MOTION

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 5139 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5139.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5139 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator Hayner - 1.

SENATE BILL NO. 5139, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

#### MOTION

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

#### SENATE RESOLUTION 1987-8616

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

WHEREAS, The death of fireman Gary L. Parks, while fighting a fire at Everett Community College, constitutes a profound loss to his family, to his department, to his community, to all who knew him, and to the state of Washington; and

WHEREAS, Gary L. Parks' last known act was to help a fellow fireman escape death by sharing his oxygen mask within the burning building; and

WHEREAS, Gary L. Parks, age 48, had served with distinction on the Everett Fire Department for the last eighteen years; and

WHEREAS, Gary L. Parks had earned the reputation among his colleagues of a hardworking dedicated firefighter who thought more about doing his part of the job well, than he thought of his own personal safety; and

WHEREAS, Gary L. Parks is the first Everett firefighter to give his life in the line of duty in more than sixty-five years; and

WHEREAS, Gary L. Parks is survived by his beloved wife Kathy, and his two daughters, Erin and Jennifer;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate on behalf of the people of the state of Washington express their sorrow for the loss of a man who has dedicated his life to making Washington State and the community of Everett a better, safer place to live, and that they also express their gratitude for the impact and example this outstanding man has made to his fellow Washingtonians; and

BE IT FURTHER RESOLVED, That copies of this resolution be presented to the Parks family, and to the Everett Fire Department.

Senator Vognild spoke to the resolution.

#### MOMENT OF SILENCE

At the request of Senator Rasmussen, members of the Senate stood in silence in memory of Gary L. Parks.

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

#### SECOND READING

SENATE BILL NO. 5142, by Senators Talmadge, Lee, Bottiger, Moore and Rinehart

Providing protection from unlawful harassment.

#### MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 5142 was substituted for Senate Bill No. 5142 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 5142 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Lee, I quite agree with you. People should not harass other people. I am aware that the acting Consul for South Africa has been harassed repeatedly by people coming up in his yard and to his door, this will enable the police to arrest the people then and take them away from the South African Consul, who I understand is only an innocent victim and is acting as a contact for business people?"

Senator Lee: "I watch television and I see news articles where these people are already subject to arrest under existing law."

Further debate ensued.

#### REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Thank you, Mr. President. In specific response to Senator Rasmussen's question. Harassment, as defined in this bill, does not cover constitutionally protected activity such as the exercise of one's first amendment rights."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5142.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5142 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

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

- 47.

Absent: Senator Barr - 1.

Excused: Senator Hayner - 1.

SUBSTITUTE SENATE BILL NO. 5142, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Vognild, the Senate commenced consideration of House Bill No. 315.

#### SECOND READING

HOUSE BILL NO. 315, by Representatives Grimm and Miller (by request of Office of Financial Management)

Making a supplemental appropriation for the citizens' commission on salaries for elected officials.

The bill was read the second time.

#### MOTION

On motion of Senator McDermott, the rules were suspended, House Bill No. 315 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 315.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 315 and the bill passed the Senate by the following vote: Yeas, 35; nays, 13; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Haisan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Owen, Peterson, Rinehart, Sellar, Smitherman, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 35.

Voting nay: Senators Anderson, Barr, Cantu, Craswell, Deccio, Nelson, Patterson, Pullen, Rasmussen, Saling, Stratton, Tanner, Zimmerman - 13.

Excused: Senator Hayner - 1.

HOUSE NO. 315, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 12:16 p.m., on motion of Senator Vognild, the Senate adjourned until 12:00 noon, Thursday, February 19, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

**THIRTY-NINTH DAY**

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**NOON SESSION**

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Senate Chamber, Olympia, Thursday, February 19, 1987

The Senate was called to order at 12:00 noon by President Pro Tempore Rasmussen. No roll call was taken.

The Sergeant at Arms Color Guard, consisting of Pages Danelle Holliday and Jeremy Yielding, presented the Colors. Sister Georgette Brayless, director of pastoral care for St. Peter's Hospital of Olympia, offered the prayer.

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

February 17, 1987

SB 5114 Prime Sponsor, Senator Peterson: Limiting a driver's accident record to those where the driver was at fault. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5114 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Tanner, Vice Chairman; Bailey, Bender, DeJarnatt, Nelson, Patterson, Sellar, West.

Passed to Committee on Rules for second reading.

February 17, 1987

SB 5116 Prime Sponsor, Senator Fleming: Qualifying cars with anti-theft devices for insurance rate reductions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Tanner, Vice Chairman; Bailey, Bender, DeJarnatt, Johnson, Nelson, Patterson, Sellar.

Passed to Committee on Rules for second reading.

February 18, 1987

SB 5181 Prime Sponsor, Senator Tanner: Prohibiting the dumping of trash in charitable donation receptacles. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5181 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

February 17, 1987

SB 5211 Prime Sponsor, Senator Hansen: Changing provisions relating to water well construction, reconstruction, and abandonment. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 5211 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Chairman; Bauer, Vice Chairman; Anderson, Bailey, Barr.

Passed to Committee on Rules for second reading.

February 18, 1987

SB 5522 Prime Sponsor, Senator Halsan: Revising provisions relating to public works contracts. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

February 18, 1987

SB 5523 Prime Sponsor, Senator Halsan: Revising provisions on the administration of the use of credit cards for state institutions. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

February 18, 1987

SB 5275 Prime Sponsor, Senator Talmadge: Prohibiting some types of development in state parks and recreational areas without legislative approval. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 5275 be substituted therefor, and the substitute bill do pass. Signed by Senators Kreidler, Chairman; Rinehart, Vice Chairman; Hansen.

Passed to Committee on Rules for second reading.

February 18, 1987

SB 5306 Prime Sponsor, Senator Talmadge: Regulating disposal of sanitary wastes at marinas. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 5306 be substituted therefor, and the substitute bill do pass. Signed by Senators Kreidler, Chairman; Rinehart, Vice Chairman; Bluechel, Kiskaddon.

Passed to Committee on Rules for second reading.

February 13, 1987

SB 5326 Prime Sponsor, Senator Garrett: Creating the Washington disability training and placement coordination council. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5326 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Lee, Sellar, Tanner, Vogt, West, Williams.

Passed to Committee on Rules for second reading.

February 17, 1987

SB 5355 Prime Sponsor, Senator Talmadge: Providing a sales and use tax exemption for clothing donated to low-income persons. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Deccio, Kreidler, Lee, McDonald, Moore, Rinehart, Talmadge, Wojahn.

Passed to Committee on Rules for second reading.

February 17, 1987

SB 5433 Prime Sponsor, Senator Bauer: Providing for discussions about other western states' teacher certification programs. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Benitz, Craswell, Patterson, Saling, Smitherman, Warnke.

Passed to Committee on Rules for second reading.

February 17, 1987

SB 5442 Prime Sponsor, Senator Barr: Requiring department of natural resources to extinguish forest fires as a first priority. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; DeJarnatt, Vice Chairman; Barr, Craswell, Metcalf, Patterson, Stratton.

Passed to Committee on Rules for second reading.

February 17, 1987

SB 5450 Prime Sponsor, Senator Talmadge: Revising procedures for enforcing money judgments. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; McCaslin, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

February 17, 1987

SB 5500 Prime Sponsor, Senator Talmadge: Relating to the fixing of fair value for homestead property for foreclosure. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

February 17, 1987

SB 5503 Prime Sponsor, Senator Hansen: Establishing the Washington wine commission. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 5503 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Hansen, Chairman; Bauer, Vice Chairman; Anderson, Bailey, Barr.

Referred to Committee on Ways and Means.

February 17, 1987

SB 5521 Prime Sponsor, Senator McDermott: Exempting public funds received by nonprofit corporations for conventions, tourism, and economic development from business and occupation taxation. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Deccio, Kreidler, Lee, McDonald, Moore, Rasmussen, Rinehart, Talmadge.

Passed to Committee on Rules for second reading.

February 17, 1987

SB 5546 Prime Sponsor, Senator Talmadge: Revising provisions relating to assault. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Newhouse.

Passed to Committee on Rules for second reading.

February 18, 1987

SB 5555 Prime Sponsor, Senator Halsan: Establishing the department of information technology. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5555 be substituted therefor, and the substitute bill do pass and be referred to the Committee on Ways and Means. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Talmadge, Zimmerman.

Referred to Committee on Ways and Means.

February 18, 1987

SB 5565 Prime Sponsor, Senator Kreidler: Requiring gasoline delivery trucks to have meters and supply receipts. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 5565 be substituted therefor, and the substitute bill do pass. Signed by Senators Kreidler, Chairman; Rinehart, Vice Chairman; Bluechel, Kiskaddon.

Passed to Committee on Rules for second reading.

February 17, 1987

SB 5572 Prime Sponsor, Senator Moore: Relating to the authority of utilities to collect amounts not billed due to utility error. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 5572 be substituted therefor, and the substitute bill do pass. Signed by Senators Williams, Chairman; Benitz, Cantu, Nelson, Smitherman, Stratton.

Passed to Committee on Rules for second reading.

February 17, 1987

SB 5594 Prime Sponsor, Senator Hansen: Authorizing amendment to water rights claims under certain conditions. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 5594 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Chairman; Anderson, Bailey, Barr.

Passed to Committee on Rules for second reading.

February 17, 1987

SB 5608 Prime Sponsor, Senator Kreidler: Strengthening the prohibitions against cruelty to animals. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 5608 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Chairman; Bauer, Vice Chairman; Anderson, Bailey, Barr.

Passed to Committee on Rules for second reading.

February 17, 1987

SB 5626 Prime Sponsor, Senator Gaspard: Providing for an inventory of school facilities. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Benitz, Saling, Smitherman, Warnke.

Referred to Committee on Ways and Means.

February 16, 1987

SB 5632 Prime Sponsor, Senator Bauer: Establishing the learning assistance program. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Smitherman, Warnke.

Passed to Committee on Rules for second reading.

February 17, 1987

SB 5666 Prime Sponsor, Senator Gaspard: Designating a portion of SR 161 as Enchanted Parkway. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Vice Chairman; Bailey, Barr, Bender, DeJarnatt, Garrett, Nelson, Patterson, von Reichbauer, West.

Passed to Committee on Rules for second reading.

February 17, 1987

SB 5667 Prime Sponsor, Senator Warnke: Revising procedures for disposition of personal property. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

February 19, 1987

SB 5685 Prime Sponsor, Senator Sellar: Authorizing bonds for new facility for apple advertising commission. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Hansen, Chairman; Anderson, Bailey, Barr, Gaspard.

Referred to Committee on Ways and Means.

February 18, 1987

SB 5712 Prime Sponsor, Senator Rinehart: Specifying that the term "nonresident student" does not apply to persons with temporary resident status. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Saling, Smitherman, Warnke.

Passed to Committee on Rules for second reading.

February 17, 1987

SB 5770 Prime Sponsor, Senator Talmadge: Changing provisions relating to superior and district courts. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5770 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

## MESSAGE FROM THE HOUSE

February 18, 1987

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 20,

HOUSE BILL NO. 49,

HOUSE BILL NO. 220,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 240,

SUBSTITUTE HOUSE BILL NO. 289,

HOUSE BILL NO. 292,

SUBSTITUTE HOUSE BILL NO. 313,

SUBSTITUTE HOUSE BILL NO. 329,

HOUSE BILL NO. 352,

and the House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4404, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## INTRODUCTION AND FIRST READING

SB 5888 by Senators Bailey, Anderson, Barr and Hansen

AN ACT Relating to voting in special districts; and amending RCW 85.38.100 and 85.38.120.

Referred to Committee on Governmental Operations.

SB 5889 by Senator Hansen

AN ACT Relating to insurance regulation; amending RCW 41.05.005; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; and adding a new section to chapter 48.46 RCW.

Referred to Committee on Financial Institutions.

SB 5890 by Senators Tanner, Johnson and Deccio

AN ACT Relating to reauthorizing the chiropractic disciplinary board; repealing RCW 43.131.295 and 43.131.296; providing an effective date; and declaring an emergency.

Referred to Committee on Human Services and Corrections.

SB 5891 by Senators Smitherman, Johnson, Bottiger and Vognilid

AN ACT Relating to the revision of the definition of horizontal property regimes; and amending RCW 64.32.010.

Referred to Committee on Judiciary.

SB 5892 by Senators Smitherman, Johnson and Bottiger

AN ACT Relating to the subdivision of land; and amending RCW 58.17.020 and 58.17.040.

Referred to Committee on Governmental Operations.

SB 5893 by Senator Wojahn

AN ACT Relating to dependency of juveniles; and amending RCW 13.34.100.

Referred to Committee on Human Services and Corrections.

SB 5894 by Senator Moore

AN ACT Relating to the taxation of motor vehicles; amending RCW 82.44.020, 82.44-.060, 82.44.110, and 82.12.045; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; repealing RCW 82.12.0266; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5895 by Senator Williams

AN ACT Relating to radioactive waste; adding a new section to chapter 70.98 RCW; and prescribing penalties.

Referred to Committee on Energy and Utilities.

SB 5896 by Senator McDermott

AN ACT Relating to the Operating Budget.

Referred to Committee on Ways and Means.

SB 5897 by Senator McDermott

AN ACT Relating to the Operating Budget.

Referred to Committee on Ways and Means.

SB 5898 by Senator McDermott

AN ACT Relating to the Capital Budget.

Referred to Committee on Ways and Means.

SB 5899 by Senator McDermott

AN ACT Relating to the capital projects.

Referred to Committee on Ways and Means.

SB 5900 by Senator McDermott

AN ACT Relating to Capital Projects.

Referred to Committee on Ways and Means.

SB 5901 by Senator McDermott

AN ACT Relating to fiscal matters.

Referred to Committee on Ways and Means.

SB 5902 by Senator McDermott

AN ACT Relating to fiscal matters.

Referred to Committee on Ways and Means.

SB 5903 by Senator McDermott

AN ACT Relating to fiscal matters.

Referred to Committee on Ways and Means.

SB 5904 by Senator McDermott

AN ACT Relating to revenue and taxation.

Referred to Committee on Ways and Means.

SB 5905 by Senator McDermott

AN ACT Relating to revenue and taxation.

Referred to Committee on Ways and Means.

SB 5906 by Senator McDermott

AN ACT Relating to revenue and taxation.

Referred to Committee on Ways and Means.

SB 5907 by Senator McDermott

AN ACT Relating to general obligation bonds.

Referred to Committee on Ways and Means.

SB 5908 by Senator McDermott

AN ACT Relating to general obligation bonds.

Referred to Committee on Ways and Means.

SB 5909 by Senator McDermott

AN ACT Relating to common school funding.

Referred to Committee on Ways and Means.

SB 5910 by Senator McDermott

AN ACT Relating to state government.

Referred to Committee on Ways and Means.

SB 5911 by Senator McDermott

AN ACT Relating to state government.

Referred to Committee on Ways and Means.

SB 5912 by Senator McDermott

AN ACT Relating to state government.

Referred to Committee on Ways and Means.

SB 5913 by Senator McDermott

AN ACT Relating to levy lids.

Referred to Committee on Ways and Means.

SB 5914 by Senator McDermott

AN ACT Relating to higher education.

Referred to Committee on Ways and Means.

SB 5915 by Senator McDermott

AN ACT Relating to higher education.

Referred to Committee on Ways and Means.

SB 5916 by Senator McDermott

AN ACT Relating to social and health services.

Referred to Committee on Ways and Means.

SB 5917 by Senator McDermott

AN ACT Relating to social and health services.

Referred to Committee on Ways and Means.

SB 5918 by Senator McDermott

AN ACT Relating to corrections.

Referred to Committee on Ways and Means.

SB 5919 by Senator McDermott

AN ACT Relating to health care.

Referred to Committee on Ways and Means.

SB 5920 by Senator McDermott

AN ACT Relating to health care.

Referred to Committee on Ways and Means.

SB 5921 by Senator McDermott

AN ACT Relating to natural resources.

Referred to Committee on Ways and Means.

SB 5922 by Senator McDermott

AN ACT Relating to water quality.

Referred to Committee on Ways and Means.

SB 5923 by Senator McDermott

AN ACT Relating to public employment.

Referred to Committee on Ways and Means.

SB 5924 by Senator McDermott

AN ACT Relating to public retirement.

Referred to Committee on Ways and Means.

SB 5925 by Senator McDermott

AN ACT Relating to public retirement.

Referred to Committee on Ways and Means.

SB 5926 by Senator McDermott

AN ACT Relating to hazardous waste.

Referred to Committee on Ways and Means.

SB 5927 by Senator McDermott

AN ACT Relating to salaries and wages.

Referred to Committee on Ways and Means.

SB 5928 by Senators McDermott and Fleming

AN ACT Relating to vocational education.

Referred to Committee on Ways and Means.

SB 5929 by Senators Talmadge and Deccio

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

Referred to Committee on Judiciary.

SB 5930 by Senators Lee, Benitz, Craswell, Bailey and West

AN ACT Relating to provisional employees; and amending RCW 28A.67.072.

Referred to Committee on Education.

SB 5931 by Senators Stratton, Lee, Rinehart and Benitz

AN ACT Relating to permitting local control of fireworks; and amending RCW 70.77.250.

Referred to Committee on Commerce and Labor.

SB 5932 by Senators Owen and Deccio

AN ACT Relating to special fuel taxation; and adding a new section to chapter 82.38 RCW.

Referred to Committee on Transportation.

SB 5933 by Senator Metcalf

AN ACT Relating to off-road and nonhighway vehicles; and amending RCW 46.09.020.

Referred to Committee on Transportation.

SB 5934 by Senators Warnke, Lee, Smitherman, West, Tanner, Conner, Cantu, Gaspard, Vognild, Moore, Johnson, Deccio, Bottiger, Bauer, Rinehart, Owen, Halsan, Talmadge, Pullen, Kiskaddon, Fleming, Stratton, Metcalf, Bender, von Reichbauer and Garrett

AN ACT Relating to state employees' health care insurance; amending RCW 41.05.025 and 41.05.010; and creating a new section.

Referred to Committee on Commerce and Labor.

SB 5935 by Senators Wojahn, Garrett and Sellar

AN ACT Relating to respiratory care; reenacting and amending RCW 18.120.020 and 18.130.040; adding a new chapter to Title 18 RCW; making an appropriation; and providing an effective date.

Referred to Committee on Human Services and Corrections.

SB 5936 by Senators Rasmussen, Newhouse, Talmadge, Kiskaddon, Vognild, Lee and Halsan

AN ACT Relating to duties of lobbyists; and amending RCW 42.17.150 and 42.17.230.

Referred to Committee on Judiciary.

SB 5937 by Senators Rinehart, Gaspard, Bauer, Tanner and Patterson

AN ACT Relating to loans for teacher candidates and for public school teachers; and adding new sections to chapter 28B.15 RCW.

Referred to Committee on Education.

SB 5938 by Senators Cantu and Owen

AN ACT Relating to trapping activities; amending RCW 77.16.170, 77.21.010, and 77.32.191; adding a new section to chapter 77.32 RCW; and prescribing penalties.

Referred to Committee on Natural Resources.

SB 5939 by Senators Smitherman, von Reichbauer, Kreidler and Bluechel

AN ACT Relating to alternative on-site sewage disposal systems; adding new sections to chapter 70.118 RCW; and making an appropriation.

Referred to Committee on Parks and Ecology.

SB 5940 by Senators Deccio, DeJarnatt, Patterson, Barr, Conner, Peterson, Metcalf, Sellar and Hansen

AN ACT Relating to hospitals; amending RCW 70.39.020, 70.39.140, 70.39.150, 70.39.160, and 70.39.195; providing an effective date; and declaring an emergency.

Referred to Committee on Human Services and Corrections.

SB 5941 by Senators Kreidler and Bottiger

AN ACT Relating to hazardous waste planning; amending RCW 70.105.010; creating new sections; making an appropriation; and declaring an emergency.

Referred to Committee on Parks and Ecology.

**SB 5942** by Senators Kreidler and Bluechel

AN ACT Relating to underground storage tanks; adding a new chapter to Title 90 RCW; and prescribing penalties.

Referred to Committee on Parks and Ecology.

**SB 5943** by Senators Nelson, Williams, Kiskaddon, Conner and Anderson

AN ACT Relating to the small claims department of the district court; amending RCW 12.40.010 and 12.40.120; and adding a new section to chapter 12.40 RCW.

Referred to Committee on Judiciary.

**SB 5944** by Senators Warnke, Sellar and Newhouse

AN ACT Relating to certified public accountants; and amending RCW 18.04.105 and 18.04.345.

Referred to Committee on Commerce and Labor.

**SB 5945** by Senators Cantu, Smitherman, Anderson and Tanner

AN ACT Relating to readjustments of workers' compensation; and amending RCW 51.32.160.

Referred to Committee on Commerce and Labor.

**SB 5946** by Senators Williams and Saling

AN ACT Relating to the imposition of an excise tax on telephone customers to fund emergency service communication systems; and amending RCW 82.14B.010, 82.14B.020, 82.14B.030, and 82.14B.040.

Referred to Committee on Energy and Utilities.

**SJM 8010** by Senators Hansen and Barr

Requesting department of defense not expand the Yakima Firing Center.

Referred to Committee on Agriculture.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

**SHB 20** by Committee on State Government (originally sponsored by Representatives H. Sommers, B. Williams, Brekke, Sayan, Holland, Wineberry and Belcher) (by request of Legislative Budget Committee)

Revising the office of minority and women's business enterprises.

Referred to Committee on Governmental Operations.

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

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

Referred to Committee on Parks and Ecology.

**HB 220** by Representatives R. King, McMullen, Winsley, Appelwick, Jacobsen, Allen, Crane, P. King, Sayan, Niemi, Fisher, Fisch and Lux

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

Referred to Committee on Commerce and Labor.

**ESHB 240** by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Crane, Winsley and Unsoeld)

Requiring vehicle insurance policies covering comprehensive and collision to also cover liability.

Referred to Committee on Financial Institutions.

SHB 289 by Committee on Local Government (originally sponsored by Representatives Nutley, L. Smith, Haugen, Brough and Cooper)

Revising regulation of public dances and recreational activities.

Referred to Committee on Governmental Operations.

HB 292 by Representatives Meyers, Schmidt, Walk, P. King and Kremen (by request of Department of Licensing)

Authorizing distinguishing features for driver's licenses of persons under twenty-one years of age.

Referred to Committee on Transportation.

SHB 313 by Committee on Local Government (originally sponsored by Representatives Zellinsky, Schmidt, Haugen and Hine)

Reducing park district commission terms to four years.

Referred to Committee on Parks and Ecology.

SHB 329 by Committee on Agriculture and Rural Development (originally sponsored by Representatives Bristow, Prince, Vekich, Nealey, Baugher, Rayburn, Grant, Madsen, Rasmussen and Sprengle)

Enlarging the membership of the state conservation commission.

Referred to Committee on Agriculture.

HB 352 by Representatives Cantwell, D. Sommers, Walk, Schmidt, Betzoff and Meyers (by request of Department of Transportation)

Modifying provisions relating to priority programming for highways.

Referred to Committee on Transportation.

HCR 4404 by Representatives Sutherland, Peery, Cooper, Nutley, L. Smith, S. Wilson, Heavey, Day, Fisch, Bristow, O'Brien, Fisher, R. King, Schmidt, Walk, Brough and Todd

Acknowledging the accomplishments of Senator Al Henry for the State of Washington.

Hold.

#### MOTION

On motion of Senator Bottiger, the rules were suspended, House Concurrent Resolution No. 4404 was advanced to second reading and placed on the second reading calendar.

#### MOTION

At 12:13 p.m., on motion of Senator Bottiger, the Senate recessed until 4:00 p.m.

#### AFTERNOON SESSION

The Senate was called to order at 4:00 p.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, Craswell, Hayner, Kiskaddon, Pullen and Williams. On motion of Senator Zimmerman, Senators Craswell, Hayner and Pullen were excused.

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

#### MESSAGE FROM THE HOUSE

February 18, 1987

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 315, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

## SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 315.

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

## SECOND READING

SENATE BILL NO. 5046, by Senators Bottiger, Metcalf, Moore and Rasmussen  
Limiting the use of riders for health and disability insurance.

## MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 5046 was substituted for Senate Bill No. 5046 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Substitute Senate Bill No. 5046 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President and members of the Senate, Senate Bill 5046 comes about as a result of complaints that were received about riders that were put on insurance policies--medical insurance policies--that had the effect of excluding a great deal of what we would normally hope would be covered, because the insured had a prior injury of some kind. In one case, it was a back injury resulting in a fused disk, then the rider covered any injury of the back to be suffered in the future. It just went too far and the committee wrote a substitute bill to narrow it down and basically, it requires the insurance company to consider lifting the waiver after a five year period of time--it expired when there was no medical treatment whatsoever relating to the waived condition. I think it resolves what may be a small problem in a proper way."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5046.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5046 and the bill passed the Senate by the following vote: Yeas, 43; absent, 3; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 43.

Absent: Senators Bauer, Kiskaddon, Williams - 3.

Excused: Senators Craswell, Hayner, Pullen - 3.

SUBSTITUTE SENATE BILL NO. 5046, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Zimmerman, Senator Kiskaddon was excused.

## SECOND READING

SENATE BILL NO. 5084, by Senators Owen, Talmadge, Conner, Rasmussen, Bender, Wojahn, Fleming, Williams, Bauer, Gaspard, Garrett, Stratton, Moore, Tanner, Halsan, Hansen, Smitherman, DeJarnatt, McDermott, Rinehart, Kreidler, Warnke, Vognild, Peterson, Johnson, Hayner, von Reichbauer, Lee, Zimmerman, West and Nelson

Raising limits for senior citizen property tax exemptions.

The bill was read the second time.

## MOTION

On motion of Senator McDermott, the rules were suspended, Senate Bill No. 5084 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5084.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5084 and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Salling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vogndild, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 44.

Absent: Senator Williams - 1.

Excused: Senators Craswell, Hayner, Kiskaddon, Pullen - 4.

SENATE BILL NO. 5084, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5120, by Senators Peterson, Hansen, Barr, Metcalf, Garrett, Bender, von Reichbauer, Sellar and Patterson

Revising fees and liability for county auditors and their agents.

The bill was read the second time.

## MOTION

Senator Rasmussen moved that the following amendment be adopted:

On page 2, line 15, after "checks" insert "credit cards"

Debate ensued.

## POINT OF INQUIRY

Senator Hansen: "Slim, I agree with everything you have said, but is this the vehicle that you want to add it to? This is the Department of Licensing on licensing your automobile. You are talking about real estate transactions, on paying your taxes on the real estate. Now, will this cover, by putting it on this, is this going to achieve what you are trying to achieve?"

Senator Rasmussen: "Thank you, Senator Hansen, we'll attach that to the other bill that comes along. This is a start and you have to start some place. It's only a small start and by the way, when you go to buy your license now days, it's not cheap, so it will help."

Senator Hansen: "I know that excise tax has been pretty steep."

Senator Rasmussen: "Thank you, Senator Hansen. I think it's a good start."

## POINT OF INQUIRY

Senator Deccio: "Senator Rasmussen, I have not been following this like I should have, but the word credit card immediately makes me think that some credit card companies discount."

Senator Rasmussen: "You mean like the Sears Roebuck Discover charge where they don't charge you for the card?"

Senator Deccio: "American Express discounts, most of them discount."

Senator Rasmussen: "The way the credit card works and they have varying rates, they charge the merchant 3 percent or 4 percent and then they charge you, also. This would not allow them to make that charge. This merely says that if the county auditor or the license department will accept the credit card and they have the agreement with the credit card people. I'm saying that our county auditor did do that for years until the state auditor ruled there was no law permitting it. This will permit it and the state cannot pay the discount that the ordinary merchant is charged."

Senator Deccio: Thank you."

The President declared the question before the Senate to be adoption of the amendment by Senator Rasmussen.

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

#### MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 5120 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5120.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5120 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

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

Excused: Senators Craswell, Hayner, Kiskaddon, Pullen - 4.

ENGROSSED SENATE BILL NO. 5120, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Vognilid, the Senate commenced consideration of Senate Bill No. 5657.

#### SECOND READING

SENATE BILL NO. 5657, by Senators Warnke, Vognilid, Smitherman, Rasmussen and Talmadge

Authorizing unemployment benefits during certain labor lockouts.

The bill was read the second time.

#### MOTION

Senator Bottiger moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 77, chapter 35, Laws of 1945 as amended by section 12, chapter 8, Laws of 1953 ex. sess. and RCW 50.20.090 are each amended to read as follows:

An individual shall be disqualified for benefits for any week with respect to which the commissioner finds that ~~((his))~~ the individual's unemployment is due to a stoppage of work which exists because of a labor dispute at the factory, establishment, or other premises at which ~~((he))~~ the individual is or was last employed: PROVIDED, That this section shall not apply if it is shown to the satisfaction of the commissioner that:

(1) ~~((he))~~ (a) The individual is unemployed due to a lockout by his or her employer, except for lockouts by employers who are members of a multi-employer bargaining unit after one member of the multi-employer bargaining unit has been struck by its employees as a result of the multi-employer bargaining process; and

(b) The employer has hired one or more temporary replacement employees in order to engage in business operations during an otherwise lawful lockout; or

(2) (a) The individual is not participating in or financing or directly interested in the labor dispute which caused the stoppage of work; and

~~((he))~~ (b) The individual does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage, there were members employed at the premises at which the stoppage occurs, any of whom are participating in or financing or directly interested in the dispute: PROVIDED, That if in any case separate branches of work which are commonly conducted as separate businesses in separate premises are conducted in separate departments of the same premises, each such department shall, for the purpose of this subdivision, be deemed to be a separate factory, establishment, or other premises.

Sec. 2. Section 11, chapter 2, Laws of 1970 ex. sess. as last amended by section 1, chapter 42, Laws of 1985 and by section 2, chapter 270, Laws of 1985 and by section 1, chapter 299, Laws of 1985 and RCW 50.29.020 are each reenacted and amended to read as follows:

(1) An experience rating account shall be established and maintained for each employer, except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, based on existing records of the employment security department. Benefits paid to any eligible individuals shall be charged to the experience rating accounts of each of ~~(his)~~ such individual's employers during ~~(his)~~ the individual's base year in the same ratio that the wages paid by each employer to the individual during the base year bear to the wages paid by all employers to that individual during that base year, except as otherwise provided in this section and in RCW 50.29.022.

(2) The legislature finds that certain benefit payments, in whole or in part, should not be charged to the experience rating accounts of employers except those employers described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, as follows:

(a) Benefits paid to any individuals later determined to be ineligible shall not be charged to the experience rating account of any contribution paying employer.

(b) Benefits paid to an individual under the provisions of RCW 50.12.050 shall not be charged to the account of any contribution paying employer if the wage credits earned in this state by the individual during his or her base year are less than the minimum amount necessary to qualify the individual for unemployment benefits.

(c) Benefits paid to an individual filing under the provisions of chapter 50.06 RCW shall not be charged to the experience rating account of any contribution paying employer.

(d) Benefits paid which represent the state's share of benefits payable under chapter 50.22 RCW shall not be charged to the experience rating account of any contribution paying employer.

(e) In the case of individuals who requalify for benefits under RCW 50.20.050 or 50.20.060, benefits based on wage credits earned prior to the disqualifying separation shall not be charged to the experience rating account of the contribution paying employer from whom that separation took place.

(f) (i) Benefits paid to an individual as the result of a determination by the commissioner that no stoppage of work exists, pursuant to RCW 50.20.090, shall not be charged to the experience rating account of any contribution paying employer.

(ii) Benefits paid to an individual under RCW 50.20.090(1) for weeks of unemployment ending before the effective date of this 1987 section shall not be charged to the experience rating account of any base year employer.

(g) In the case of individuals identified under RCW 50.20.015, benefits paid with respect to a calendar quarter, which exceed the total amount of wages earned in the state of Washington in the higher of two corresponding calendar quarters included within the individual's determination period, as defined in RCW 50.20.015, shall not be charged to the experience rating account of any contribution paying employer.

(h) Beginning July 1, 1985, a contribution-paying base year employer, not otherwise eligible for relief of charges for benefits under this section, may receive such relief if:

(i) The benefit charges result from payment to an individual who last left the employ of such employer voluntarily for reasons not attributable to the employer, or was discharged for misconduct connected with his or her work; and

(ii) The employer requests relief of charges in writing within thirty days following mailing to the last known address of the notification of the initial determination of such a claim, stating the date and reason for the last leaving; and

(iii) Upon investigation of the separation, the commissioner rules that the relief should be granted.

(i) Benefits paid to an individual who does not successfully complete an approved on-the-job training program under RCW 50.12.240 shall not be charged to the experience rating account of the contribution paying employer who provided the approved on-the-job training.

NEW SECTION. Sec. 3. (1) A joint select committee on unemployment compensation in labor disputes is established to study the impact of unemployment compensation benefits on the resolution of labor disputes. The committee shall consist of ten voting members appointed as follows:

(a) Two members from each caucus of the senate, selected by the president of the Senate; at least one member from each caucus shall be a member of the senate commerce and labor committee;

(b) Two members from each caucus of the house of representatives, selected by the speaker; at least one member from each caucus shall be a member of the House commerce and labor committee; and

(c) The chairs of the senate and house of representatives commerce and labor committees.

(2) The committee will use legislative staff and facilities, but may hire additional staff with specific technical expertise if such expertise is necessary to carry out the committee's mandate.

All expenses of the committee shall be paid jointly by the senate and the house of representatives.

(3) The employment security department shall provide any information and assistance that may be reasonably requested by the committee chair to enable the committee to carry out its mandate and shall report to the committee on the number of claimants receiving benefits and the total amount of benefits paid to date under this act.

(4) The committee shall report its findings and recommendations to the Governor and the legislature by the commencement of the 1988 legislative session.

**NEW SECTION.** Sec. 4. (1) This act shall apply retrospectively to all applicable employers and employees as of July 1, 1986.

(2) This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

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

Debate ensued.

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

The President declared the question before the Senate to be the roll call on adoption of the striking amendment by Senator Bottiger.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Bottiger carried and the amendment was adopted by the following vote: Yeas, 23; nays, 22; excused, 4.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Moore, Peterson, Rasmussen, Rinehart, Smitherman, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 23.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Deccio, Johnson, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Saling, Sellar, Stratton, von Reichbauer, West, Zimmerman - 22.

Excused: Senators Craswell, Hayner, Kiskaddon, Pullen - 4.

#### MOTION

On motion of Senator Warnke, the rules were suspended, Engrossed Senate Bill No. 5657 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5657.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5657 and the bill failed to pass the Senate by the following vote: Yeas, 23; nays, 22; excused, 4.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Moore, Peterson, Rasmussen, Rinehart, Smitherman, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 23.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Deccio, Johnson, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Saling, Sellar, Stratton, von Reichbauer, West, Zimmerman - 22.

Excused: Senators Craswell, Hayner, Kiskaddon, Pullen - 4.

ENGROSSED SENATE BILL NO. 5657, having failed to receive the constitutional majority, was declared lost.

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

#### REPORT OF STANDING COMMITTEE

February 19, 1987

SB 5685 Prime Sponsor, Senator Sellar: Authorizing bonds for new facility for apple advertising commission. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Cantu, Kreidler, Lee, McDonald, Moore, Owen, Rinehart, Talmadge.

MOTION

On motion of Senator McDermott, the rules were suspended, Senate Bill No. 5685 was advanced to second reading and placed on the second reading calendar.

MOTION

At 4:49 p.m., on motion of Senator Vognild, the Senate adjourned until 9:30 a.m., Friday, February 20, 1987.

JOHN A. CHERBERG, President of the Senate.  
SID SNYDER, Secretary of the Senate.

## FORTIETH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Friday, February 20, 1987

The Senate was called to order at 9:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Cantu, Fleming, Nelson, Peterson, Smitherman and Tanner. On motion of Senator Bender, Senators Smitherman and Peterson were excused. On motion of Senator Zimmerman, Senator Cantu was excused. On motion of Senator Metcalf, Senator Nelson was excused.

The Sergeant at Arms Color Guard, consisting of Pages Chris Kodama and Dan Cooper, presented the Colors. Sister Georgette Bayless, director of pastoral care for St. Peter's Hospital of Olympia, offered the prayer.

### MOTION

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

### REPORTS OF STANDING COMMITTEES

February 19, 1987

SB 5036 Prime Sponsor, Senator Rasmussen: Restricting sale of surplus salmon eggs by the department of fisheries. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; DeJarnatt, Vice Chairman; Barr, Conner, Craswell, Metcalf, Patterson, Stratton.

Passed to Committee on Rules for second reading.

February 18, 1987

SB 5150 Prime Sponsor, Senator Gaspard: Providing for the portability of public pension benefits. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5150 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Deccio, Fleming, Kreidler, Rasmussen, Rinehart, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 18, 1987

SB 5159 Prime Sponsor, Senator DeJarnatt: Revising the reimbursement formula for the Puget Island-Westport ferry. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Tanner, Vice Chairman; Bailey, Barr, Bender, Conner, DeJarnatt, Garrett, Halsan, Patterson, Sellar.

Passed to Committee on Rules for second reading.

February 18, 1987

SB 5369 Prime Sponsor, Senator Garrett: Renaming the deferred compensation revolving fund. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Cantu, Deccio, Kreidler, Lee, McDonald, Rasmussen, Rinehart, Saling, Talmadge, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 12, 1987

SB 5421 Prime Sponsor, Senator Tanner: Establishing a state bicycle program. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5421 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Tanner, Vice Chairman; Bender, Conner, DeJarnatt, Garrett, Halsan, Smitherman.

MINORITY recommendation: Do not pass. Signed by Senators Bailey, Patterson, West.

Passed to Committee on Rules for second reading.

February 19, 1987

SB 5531 Prime Sponsor, Senator Rasmussen: Increasing the homestead exemption and the award in lieu thereof. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Moore, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

February 17, 1987

SB 5549 Prime Sponsor, Senator Stratton: Providing for the setting of execution dates. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Tanner.

Passed to Committee on Rules for second reading.

February 19, 1987

SB 5680 Prime Sponsor, Senator Moore: Permitting certain former felons and misdemeanants to act as personal representatives. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5680 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Moore, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

February 17, 1987

SB 5753 Prime Sponsor, Senator Wojahn: Specifying eligibility of city and county inmates for medical care under the limited casualty program. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Tanner.

Passed to Committee on Rules for second reading.

February 3, 1987

SCR 8405 Prime Sponsor, Senator Peterson: Acknowledging the accomplishments of Senator Al Henry for the state of Washington. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Tanner, Vice Chairman; Bailey, Barr, Bender, Conner, DeJarnatt, Garrett, Halsan, Johnson, Nelson, Patterson, Sellar, Smitherman, von Reichbauer, West.

Passed to Committee on Rules for second reading.

## INTRODUCTION AND FIRST READING

SB 5947 by Senators Stratton, McCaslin, West and Saling

AN ACT Relating to licenses to sell liquor in motels; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Commerce and Labor.

SB 5948 by Senators Bottiger and Newhouse

AN ACT Relating to interest rates on retail installment contracts for the purchase of motor vehicles; amending RCW 63.14.130.

Referred to Committee on Financial Institutions.

SB 5949 by Senator Warnke

AN ACT Relating to acknowledgments by disabled persons; amending RCW 42.44-.080; and adding a new section to chapter 64.08 RCW.

Referred to Committee on Commerce and Labor.

SB 5950 by Senators Warnke and Gaspard

AN ACT Relating to mobile home park tenant remedies; and adding a new section to chapter 59.20 RCW.

Referred to Committee on Commerce and Labor.

SB 5951 by Senator Talmadge

AN ACT Relating to education; amending RCW 28A.01.025, 28A.41.130, 28A.41.130, 28A.41.170, 28A.58.075, 28A.58.754, 28A.58.772, and 28A.59.180; reenacting and amending RCW 28A.02.201 and 28A.58.099; providing an effective date; and providing an expiration date.

Referred to Committee on Education.

SB 5952 by Senator Talmadge

AN ACT Relating to education; adding a new section to chapter 28A.58 RCW; and making an appropriation.

Referred to Committee on Education.

SB 5953 by Senator Gaspard

AN ACT Relating to reduced work load options for certain tenured community college faculty members; amending RCW 28B.50.851; and adding a new section to chapter 28B.50 RCW.

Referred to Committee on Education.

SB 5954 by Senators Talmadge, Bluechel, Garrett, McDonald and Zimmerman

AN ACT Relating to sewer connection charges imposed by a metropolitan municipal corporation; and adding a new section to chapter 56.08 RCW.

Referred to Committee on Governmental Operations.

SB 5955 by Senators McDermott, Talmadge, Fleming, Warnke, Rinehart, Moore, Bender and Garrett

AN ACT Relating to public ownership of professional sports franchises; adding a new section to chapter 35.21 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 5956 by Senators West, Stratton, Warnke and Bauer

AN ACT Relating to the taxation by a county of persons residing outside the state who are employed inside the county; adding a new chapter to Title 82 RCW; providing an effective date; and providing a contingent expiration date.

Referred to Committee on Commerce and Labor.

SB 5957 by Senator Hansen

AN ACT Relating to weed control, obstructing vegetation, debris, snow, and ice control; and amending RCW 35.21.310.

Referred to Committee on Governmental Operations.

SJM 8011 by Senators Smitherman, Warnke, Nelson, Benitz, Cantu, Stratton and Owen

Requesting approval of Kern river pipeline project by federal energy regulatory commission.

Referred to Committee on Energy and Utilities.

SJM 8012 by Senators West, Stratton, Warnke and McCaslin

Requesting Congress to change tax laws affecting employees of common carriers who cross state lines.

Referred to Committee on Commerce and Labor.

SJM 8013 by Senators West, Stratton, Warnke, McCaslin and Bauer

Requesting Idaho to exempt certain nonresident employees of common carriers from its state income tax.

Referred to Committee on Commerce and Labor.

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

#### SECOND READING

SENATE JOINT MEMORIAL NO. 8002, by Senators Williams, Benitz, Owen, Stratton, Smitherman and Moore

Urging adoption of the National Appliance Energy Conservation Act.

#### MOTIONS

On motion of Senator Williams, Substitute Senate Joint Memorial No. 8002 was substituted for Senate Joint Memorial No. 8002 and the substitute memorial was placed on second reading and read the second time.

On motion of Senator Williams, the rules were suspended, Substitute Senate Joint Memorial No. 8002 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Joint Memorial No. 8002.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Joint Memorial No. 8002 and the memorial passed the Senate by the following vote: Yeas, 43; absent, 2; excused, 4.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 43.

Absent: Senators Fleming, Tanner - 2.

Excused: Senators Cantu, Nelson, Peterson, Smitherman - 4.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8002, having received the constitutional majority, was declared passed.

#### SECOND READING

SENATE BILL NO. 5161, by Senators Wojahn, Stratton, Kiskaddon, Deccio, Kreidler, Johnson, Anderson and Tanner

Revising the purchasing authority for state hospitals for the mentally ill.

The bill was read the second time.

## MOTIONS

On motion of Senator Wojahn, the following Committee on Human Services and Corrections amendments were considered simultaneously and adopted:

On page 1, line 24, after "hospitals" strike everything through "72.23.010," on line 26 and insert "and the state purchasing and material control director, as the agent for state hospitals as defined in RCW 72.23.010, and for health care programs provided in state correctional institutions as defined in RCW 72.65.010(3) and veterans' institutions as defined in RCW 72.36.010 and 72.36.070."

On page 5, line 12, after "operation" strike everything through "72.23.010," on line 14 and insert "and by the state purchasing and material control director, as the agent for state hospitals as defined in RCW 72.23.010, and for health care programs provided in state correctional institutions as defined in RCW 72.65.010(3) and veterans' institutions as defined in RCW 72.36.010 and 72.36.070."

On motion of Senator Wojahn, the rules were suspended, Engrossed Senate Bill No. 5161 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5161.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5161 and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

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

Absent: Senator Owen - 1.

Excused: Senators Cantu, Nelson, Peterson, Smitherman - 4.

ENGROSSED SENATE BILL NO. 5161, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5246, by Senators Gaspard, Bailey, Rinehart, Saling, Patterson, Bauer, Bender, Warnke, Craswell, Smitherman, Johnson, Anderson, Conner, Garrett and Moore

Adopting the Washington award for excellence in teacher preparation program.

The bill was read the second time.

## MOTION

On motion of Senator Gaspard, the rules were suspended, Senate Bill No. 5246 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5246.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5246 and the bill passed the Senate by the following vote: Yeas, 43; absent, 2; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalfe, Moore, Newhouse, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 43.

Absent: Senators Craswell, Owen - 2.

Excused: Senators Cantu, Nelson, Peterson, Smitherman - 4.

SENATE BILL NO. 5246, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5247, by Senators Gaspard, Bailey and Conner

Reviewing program approval standards for teachers, administrators, and educational staff associates.

The bill was read the second time.

## MOTION

On motion of Senator Gaspard, the rules were suspended, Senate Bill No. 5247 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5247

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5247 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

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

Excused: Senators Cantu, Peterson, Smitherman - 3.

SENATE BILL NO. 5247, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5285, by Senators McDermott, Deccio, Moore, von Reichbauer, Kreidler, Zimmerman, Stratton, Warnke, Saling, Vognild, Rinehart, Hansen, Gaspard, Wojahn, Fleming, Garrett, Talmadge and Kiskaddon

Providing funding for public broadcasting stations.

## MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 5285 was substituted for Senate Bill No. 5285 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McDermott, the following amendment by Senators McDermott and Deccio was adopted:

On page 3, beginning on line 12, strike all material down to and including line 14 and insert the following:

"(2) (a) A grant of up to ten thousand dollars per year may be made under this section to those eligible stations operating at least twelve hours per day, three hundred sixty-five days each year, with transmitting facilities developed to the maximum combination of effective radiated power and antenna height possible under the station's federal communications commission license.

(b) A grant of up to eight thousand dollars per year may be made under this section to those eligible stations operating at least twelve hours per day, three hundred sixty-five days each year, with transmitting facilities not fully developed under federal communications commission rules.

(c) A grant of up to five thousand dollars per year may be made under this section to those eligible stations operating less than twelve hours per day, three hundred sixty-five days each year, with transmitting facilities developed to the maximum combination of effective radiated power and antenna height possible under the station's federal communications commission license.

(d) A grant of up to one thousand five hundred dollars per year may be made under this section to those eligible stations not meeting the requirements of (a), (b), or (c) of this subsection.

(3) Funding received under this section is specifically for the support of public broadcast operations and facilities improvements which benefit the general community. No funds received under this section may be used for any other purposes by licensees of eligible stations.

(4)\*

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute Senate Bill No. 5285 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Patterson: "Senator McDermott, I note in the synopsis of the bill that there is no reference made to our public educational broadcast operations of which there are several in this state and I wondered whether or not this bill would affect them in any way? Would they have to change their mode of operation? How does it affect Spokane, for example? They have an educational station, and I am just wondering what impact this would have on them?"

Senator McDermott: "Senator Patterson, I am sorry I don't have the list of the stations here on the floor, but all the public broadcast stations, both public schools and television stations--we're talking radio and television both--would all receive some money on the basis that is set up in this bill for distribution. It would not change the way they operate. It would just be some operating subsidy. It is really, as Senator Lee suggests, the big stations have a much easier time raising money than some of the small stations do and we give them a boost and give kids and give communities an opportunity to have public stations that are having a great deal of difficulty at this point."

Senator Patterson: "Can you identify the formula of distribution of whatever money that the Ways and Means Committee would make available?"

Senator McDermott: "Senator, in the amendment that Senator Deccio and I just added, this talks about the grant of up to \$10,000 per year which may be made to those eligible stations operating at least twelve hours a day, three hundred sixty-five days a year and it limits their transmitting capacities and so forth. It's really a distribution on the basis of the power of the station and the size of it. Each station in this state would get something. Nobody gets left out and the next one is a grant of \$8,000 that would be made to eligible stations operating twelve hours a day, \$5,000 to those operating less than twelve hours a day, so we are talking about school stations and other things. These are very small subsidies for stations operated in the public sector."

Senator Patterson: "Many of the schools do not operate the number of hours that are referred to in there."

Senator McDermott: "Actually Senator, subsection (c), line 28, says that a grant up to \$5,000 may be made to those eligible stations operating less than twelve hours per day, so they get \$5,000 even if they were not operating twelve hours a day."

Further debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator McDermott, is this a luxury we could do without?"

Senator McDermott: "Senator Rasmussen, some of your questions seem like softball pitches, but I'm afraid we are going with it. The public broadcast system is an alternative to the commercial system which I think deserves to be kept alive in this country. The commercial system is designed to maximize profit and nothing else. The public system operates to provide information on a balanced basis and they have done a fairly good job in this respect. I think it is not a luxury, but a real necessity in a democracy that there be something besides profit-oriented broadcast systems. A minimum, little teeny subsidy would not end the free enterprise system as you and I have come to love it and know it."

Senator Rasmussen: "Thank you, Senator McDermott. You have satisfied me. This little teeny subsidy isn't going to keep anybody alive, but it is going to give a little bait so we will have more stations started. I noticed that Senator McDermott took the appropriation out of the bill where it was quite glaring and I asked him at that time if it was coming in the back door and he wouldn't say, 'yes or no,' but I would agree with those who have spoken before that maybe there comes a time when we should say 'no.'"

"This is a new program and I think it was one of the renowned Senators in Washington D.C., who said, 'a million here, a million there and pretty soon you get

a billion and then it starts to count up.' I would suggest that we say, 'no,' and not start up any new programs. We have enough needs right now that we can't supply -- absolutely necessary needs. I, personally, am going to vote no and agree with those who have said this is something we can do without."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5285.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5285 and the bill passed the Senate by the following vote: Yeas, 32; nays, 15; excused, 2.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, McDermott, Moore, Newhouse, Owen, Patterson, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 32.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Craswell, Hayner, Lee, McCaslin, McDonald, Metcalf, Nelson, Pullen, Rasmussen, Tanner, West - 15.

Excused: Senators Cantu, Peterson - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5285, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5014, by Senators Williams, Owen, Stratton, Warnke, Smitherman, Wojahn, DeJarnatt, Bailey, Saling, Talmadge, Garrett, Brauer, Rasmussen, Tanner and Moore

Providing for weatherization of residences of low-income persons.

#### MOTIONS

On motion of Senator Williams, Substitute Senate Bill No. 5014 was substituted for Senate Bill No. 5014 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Williams, the rules were suspended, Substitute Senate Bill No. 5014 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5014.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5014 and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; excused, 2.

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

Voting nay: Senators Pullen, West - 2.

Excused: Senators Cantu, Peterson - 2.

SUBSTITUTE SENATE BILL NO. 5014, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5193, by Senators Peterson, Sellar, Stratton and Barr

Regulating mining on public lands.

#### MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 5193 was substituted for Senate Bill No. 5193 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the rules were suspended, Substitute Senate Bill No. 5193 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5193.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5193 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

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

Excused: Senators Cantu, Peterson - 2.

SUBSTITUTE SENATE BILL NO. 5193, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5196, by Senators Moore, Bender and Metcalf (by request of Insurance Commissioner)

Providing civil immunity for certain actions relating to insurance.

#### MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 5196 was substituted for Senate Bill No. 5196 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Moore, the rules were suspended, Substitute Senate Bill No. 5196 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5196.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5196 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

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

Excused: Senators Cantu, Peterson - 2.

SUBSTITUTE SENATE BILL NO. 5196, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5227, by Senators Wojahn, Kiskaddon, Sellar, Anderson and Stratton (by request of Department of Social and Health Services)

Consolidating statutes regarding revenue recovery for social and health services.

The bill was read the second time.

#### MOTION

On motion of Senator Wojahn, the rules were suspended, Senate Bill No. 5227 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Deccio: "Senator Wojahn, just to reiterate the question that was asked in committee, as I understand it, and I guess I am just asking you for a yes or no. Is there anything in this bill that gives the Department any new power to collect, or is it just dealing with present statute and consolidating, as you had indicated?"

Senator Wojahn: "It does not give any new power to the Department for collection and it is not substantive at all. It's simply administrative."

## POINT OF INQUIRY

Senator Moore: "Senator Wojahn, does this legislation, in any way, have anything to do with financial responsibility?"

Senator Wojahn: "No, it does not. It simply puts under one title of state government, all of the elements of recovery statutes. It does not have anything substantive at all—no liability."

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5227.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5227 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

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

Excused: Senators Cantu, Peterson - 2.

SENATE BILL NO. 5227, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5238, by Senators McDermott, McDonald, Gaspard and Lee (by request of Department of Revenue)

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

The bill was read the second time.

## MOTION

On motion of Senator McDermott, the rules were suspended, Senate Bill No. 5238 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5238.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5238 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

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

Excused: Senators Cantu, Peterson - 2.

SENATE BILL NO. 5238, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5239, by Senators McDermott, McDonald, Gaspard, Lee and Hayner (by request of Department of Revenue)

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

The bill was read the second time.

## MOTION

On motion of Senator McDermott, the rules were suspended, Senate Bill No. 5239 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Patterson: "Senator McDermott, you said something about deregulation of trucking. Are you suggesting that we have deregulated trucking in the state of Washington?"

Senator McDermott: "I have never served on the Transportation Committee, so I'm not going to wander into that area at all."

Senator Patterson: "I think that the record ought to be clear that the state of Washington has not deregulated trucking, as yet."

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5239.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5239 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

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

Excused: Senators Cantu, Peterson - 2.

SENATE BILL NO. 5239, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5241, by Senators McDermott and Gaspard (by request of Department of Revenue)

Providing for the taxation of tangible personal property which is provided with an operator for a charge.

The bill was read the second time.

## MOTIONS

On motion of Senator Zimmerman, Senator West was excused.

On motion of Senator McDermott, the rules were suspended, Senate Bill No. 5241 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5241.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5241 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

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

Excused: Senators Cantu, Peterson, West - 3.

SENATE BILL NO. 5241, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5244, by Senators McDermott, McDonald, Gaspard, Lee and Hayner (by request of Department of Revenue)

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

The bill was read the second time.

#### MOTION

On motion of Senator McDermott, the rules were suspended, Senate Bill No. 5244 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Kiskaddon: "Senator McDermott, what does the bill do?"

Senator McDermott: "Senator Kiskaddon, I think if you read the short title, you will get the whole thing. It authorizes service by certified mail, return receipt requested, of notice to withhold or deliver property due, or owned by a taxpayer."

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5244.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5244 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

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

Excused: Senators Cantu, Peterson, West - 3.

SENATE BILL NO. 5244, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5267, by Senators McDermott, Lee and Conner (by request of Department of Revenue)

Exempting purchases with food coupons from sales and use tax.

The bill was read the second time.

#### MOTION

On motion of Senator McDermott, the rules were suspended, Senate Bill No. 5267 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Deccio: "Senator McDermott, we don't have a sales tax on food."

Senator McDermott: "Well, Senator Deccio--"

Senator Deccio: "Thank you, Mr. Chairman."

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5267.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5267 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner,

Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Cantu, Peterson, West - 3.

SENATE BILL NO. 5267, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5311, by Senators Barr and Owen

Restricting liability of department of natural resources to volunteer fire fighters.

#### MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 5311 was substituted for Senate Bill No. 5311 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the rules were suspended. Substitute Senate Bill No. 5311 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Bottiger: "Senator Barr, I am concerned about the definition of 'volunteer.' If a person is impressed, and for everyone's information, this is one of the few situations where you can be arrested and compelled to help put a fire out. If you are impressed, would the Department be responsible for your injuries?"

Senator Barr: "If you were what?"

Senator Bottiger: "Impressed--forced to volunteer."

Senator Barr: "I don't think that could be interpreted to apply to this case. The word 'volunteer' here I think was chosen as the people who got to the fire and were there ahead of the Department and I don't see how it could--"

Senator Bottiger: "Perhaps Senator Owen could answer."

#### REMARKS BY SENATOR OWEN

Senator Owen: "I just spoke with our legal staff about that and according to Ms. Cottingham, 'impressed' is not a 'volunteer.'"

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5311.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5311 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

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

Excused: Senators Cantu, Peterson, West - 3.

SUBSTITUTE SENATE BILL NO. 5311, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

#### MESSAGES FROM THE HOUSE

February 20, 1987

Mr. President:

The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 445, and has passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

February 20, 1987

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 445, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 445.

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

## SECOND READING

SENATE BILL NO. 5331, by Senators Garrett, Johnson, Peterson, Lee, Tanner, Warnke, Williams, Kiskaddon and Moore (by request of Joint Select Committee on Disability Employment and Economic Participation)

Requiring the employment security department to develop proposals for the collection of data on the employment of disabled persons.

The bill was read the second time.

## MOTION

On motion of Senator Warnke, the rules were suspended, Senate Bill No. 5331 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5331.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5331 and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

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

Absent: Senator Metcalf - 1.

Excused: Senators Cantu, Peterson, West - 3.

SENATE BILL NO. 5331, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5381, by Senators Hansen and Benitz

Revising requirements for custom slaughtering facilities.

The bill was read the second time.

## MOTION

On motion of Senator Hansen, the rules were suspended, Senate Bill No. 5381 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5381.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5381 and the bill passed the Senate by the following vote: Yeas, 44; absent, 2; excused, 3.

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

Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 44.

Absent: Senators Metcalf, Zimmerman - 2.

Excused: Senators Cantu, Peterson, West - 3.

SENATE BILL NO. 5381, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTIONS

On motion of Senator Bluechel, Senators Zimmerman and Metcalf were excused.

On motion of Senator Bender, Senators Tanner and Smitherman were excused.

#### SECOND READING

SENATE BILL NO. 5389, by Senators Kreidler and Bluechel

Revising noise control requirements for local government.

#### MOTIONS

On motion of Senator Kreidler, Substitute Senate Bill No. 5389 was substituted for Senate Bill No. 5389 and the substitute bill was placed on second reading and read the second time.

Senator Kreidler moved that the rules be suspended and that Substitute Senate Bill No. 5389 be advanced to third reading, the second reading considered the third, and the bill be placed on final passage.

#### MOTION

On motion of Senator Pullen, and there being no objection, further consideration of Substitute Senate Bill No. 5389 was deferred.

#### SECOND READING

SENATE BILL NO. 5411, by Senators Moore, Metcalf, Vognild, Sellar, Bender and Newhouse

Regulating fraternal benefit societies.

The bill was read the second time.

#### MOTION

On motion of Senator Moore, the rules were suspended, Senate Bill No. 5411 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5411.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5411 and the bill passed the Senate by the following vote: Yeas, 41; absent, 1; excused, 7.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 41.

Absent: Senator McDonald - 1.

Excused: Senators Cantu, Metcalf, Peterson, Smitherman, Tanner, West, Zimmerman - 7.

SENATE BILL NO. 5411, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5389 and the pending motion by Senator Kreidler to advance the bill to third reading and final passage.

The President declared the question before the Senate to be the motion by Senator Kreidler to suspend the rules and advance Substitute Senate Bill No. 5389 to third reading and final passage.

The motion by Senator Kreidler carried and Substitute Senate Bill No. 5389 was advanced to third reading.

Debate ensued.

#### POINT OF INQUIRY

Senator Deccio: "Before I vote for this bill, Senator Kreidler, does it include or would it include, if proper action were taken, people who ride these little bikes and take the plugs out of the exhaust?"

Senator Kreidler: "Senator Deccio, it would be my understanding that the chances of having an appropriate response, because it will be turned back to local government and because local governments are closer to the people, you'd get a chance to have some quick action to correct the problem and it is more likely you would see your problem resolved."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5389.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5389 and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Vogtild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Excused: Senators Cantu, Metcalf, Peterson, Smitherman, Tanner, West - 6.

SUBSTITUTE SENATE BILL NO. 5389, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

#### MOTION

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

#### SENATE RESOLUTION 1987-8613

by Senator Williams

WHEREAS, George Washington, the first President of the United States, whose term covered the years 1789 to 1797, was born on February 22nd; and

WHEREAS, The state of Washington is the only state in the union which is named for an American President; and

WHEREAS, The enabling legislation to admit the state of Washington to the Union was adopted by Congress on February 22nd, 1889; and

WHEREAS, Washington was admitted to statehood in 1889; and

WHEREAS, February 21st, 1987, is the bicentennial date of the resolution adopted by the Confederation Congress calling for a constitutional convention which subsequently convened on May 25, 1787; and

WHEREAS, Numerous activities are scheduled to occur in the capitol at Olympia on February 20th and 21st in celebration of the birthday of George Washington and these other historical events and in recognition of the impending state centennial in 1989;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington joins in recognizing these important events and encourages participation by all of its individual members and all other citizens of the state in the celebrations scheduled on February 20th and 21st.

Senator Williams spoke to the resolution.

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

#### MOTION

On motion of Senator Zimmerman, Senator Barr was excused.

## SECOND READING

SENATE BILL NO. 5685, by Senators Sellar, Hansen, Newhouse and Barr

Authorizing bonds for new facility for apple advertising commission.

The bill was read the second time.

## MOTION

On motion of Senator McDermott, the rules were suspended, Senate Bill No. 5685 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5685.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5685 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

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

Excused: Senators Barr, Cantu, Peterson, West - 4.

SENATE BILL NO. 5685, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4404, by Representatives Sutherland, Peery, Cooper, Nutley, L. Smith, S. Wilson, Heavey, Day, Fisch, Bristow, O'Brien, Fisher, R. King, Schmidt, Walk, Brough and Todd

Acknowledging the accomplishments of Senator Al Henry for the State of Washington.

The resolution was read the second time.

## MOTION

On motion of Senator Rasmussen, the rules were suspended, House Concurrent Resolution No. 4404 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of House Concurrent Resolution No. 4404.

## ROLL CALL

The Secretary called the roll on final passage of House Concurrent Resolution No. 4404 and the resolution passed the Senate by the following vote: Yeas, 46; excused, 3.

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

Excused: Senators Barr, Peterson, West - 3.

HOUSE CONCURRENT RESOLUTION NO. 4404, having received the constitutional majority, was declared passed.

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

## REPORTS OF STANDING COMMITTEES

February 19, 1987

SB 5428 Prime Sponsor, Senator Warnke: Raising amount over which cities are required to call for competitive bids. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Talmadge.

Passed to Committee on Rules for second reading.

February 19, 1987

SB 5541 Prime Sponsor, Senator Halsan: Removing cost restrictions for the annual audit of the liquor control board. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

February 19, 1987

SB 5564 Prime Sponsor, Senator Zimmerman: Establishing procedure for deactivation or abolition of local housing authorities. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Garrett, Vice Chairman; DeJarnatt, McCaslin, Zimmerman.

Passed to Committee on Rules for second reading.

February 19, 1987

SB 5682 Prime Sponsor, Senator Rinehart: Authorizing a study and demonstration project to provide child day care for children of state employees at the University of Washington. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5682 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Patterson, Smitherman, Warnke.

Referred to Committee on Ways and Means.

February 19, 1987

SJR 8212 Prime Sponsor, Senator Gaspard: Authorizing the investment of public land permanent funds. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Patterson, Smitherman, Warnke.

Passed to Committee on Rules for second reading.

## MOTION

At 11:51 a.m., on motion of Senator Vognild, the Senate adjourned until 9:30 a.m., Monday, February 23, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## FORTY-THIRD DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Monday, February 23, 1987

The Senate was called to order at 9:30 a.m. by President Pro Tempore Rasmussen. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Barr, Cantu, Gaspard, McDonald, Moore, Peterson, Smitherman and Tanner. On motion of Senator Bender, Senators Smitherman and Tanner were excused. On motion of Senator Lee, Senator Cantu was excused.

The Sergeant at Arms Color Guard, consisting of Pages Mark Watters and Joe Walker, presented the Colors. Reverend Dr. Carl Pfeil, pastor of the Emmanuel Baptist Church of Olympia, offered the prayer.

#### MOTION

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

#### MESSAGES FROM THE HOUSE

February 16, 1987

Mr. President:

The Speaker has signed:

SENATE BILL NO. 5015, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

February 20, 1987

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 114,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 402, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### INTRODUCTION AND FIRST READING

SB 5958 by Senators Rinehart, Gaspard, Anderson and Peterson

AN ACT Relating to the waiver of tuition and fees for students of foreign nations; and amending RCW 28B.15.556.

Referred to Committee on Education.

SB 5959 by Senators Moore, Metcalf, Bender, McDermott and Fleming

AN ACT Relating to investment of trust funds; and amending RCW 51.44.100, 43.33A-.110, and 43.84.150.

Referred to Committee on Commerce and Labor.

SB 5960 by Senator Halsan

AN ACT Relating to a presidential primary with single-party ballots.

Referred to Committee on Governmental Operations.

SB 5961 by Senator Halsan

AN ACT Relating to a nonbinding presidential primary with single-party ballots.

Referred to Committee on Governmental Operations.

SB 5962 by Senator Halsan

AN ACT Relating to a presidential primary with single-party ballots in which fifty percent of national convention delegates of each major political party are selected, with the balance selected by caucus.

Referred to Committee on Governmental Operations.

SB 5963 by Senator Halsan

AN ACT Relating to mental illness of criminal defendants; amending RCW 10.77.010, 10.77.020, 10.77.040, 10.77.060, 10.77.080, and 10.77.110; adding new sections to chapter 10.77 RCW; and creating a new section.

Referred to Committee on Judiciary.

SB 5964 by Senators Peterson, Bailey, Conner and Anderson

AN ACT Relating to industrial insurance premiums for employers operating shake and shingle mills; and adding a new section to chapter 51.16 RCW.

Referred to Committee on Commerce and Labor.

SB 5965 by Senator Warnke

AN ACT Relating to employment; amending RCW 7.06.020; reenacting and amending RCW 36.18.020; and adding a new chapter to Title 49 RCW.

Referred to Committee on Commerce and Labor.

SJM 8014 by Senators Hayner, Bottiger, Talmadge, Vognild, Saling, Patterson, Benitz, Sellar, Zimmerman, Barr, Newhouse, McCaslin, Craswell and Nelson

Conveying students' concerns about federal budget cuts in educational financial aid.

Referred to Committee on Education.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 114 by Committee on Commerce and Labor (originally sponsored by Representatives Sayan, Patrick, Wang, R. King, Fisch and Winsley)

Extending effect of expired collective bargaining agreement.

Referred to Committee on Commerce and Labor.

ESHB 402 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Dellwo, Lux, Locke, Nutley, P. King, Winsley, Crane, Meyers, Niemi, Chandler, Betzoff, Day, Jacobsen, J. Williams, Rayburn, Miller and Todd)

Strengthening underinsured motorist coverage.

Referred to Committee on Financial Institutions.

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

SECOND READING

SENATE BILL NO. 5418, by Senator Tanner

Authorizing deductions from retirement allowance for state patrol memorial fund.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Senate Bill No. 5418 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5418.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5418 and the bill passed the Senate by the following vote: Yeas, 41; absent, 5; excused, 3.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 41.

Absent: Senators Barr, Gaspard, McDonald, Moore, Peterson - 5.

Excused: Senators Cantu, Smitherman, Tanner - 3.

SENATE BILL NO. 5418, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Bender, Senators Gaspard, Moore and Peterson were excused.

## SECOND READING

SENATE BILL NO. 5427, by Senators Kreidler and Bluechel (by request of Attorney General)

Adopting an ecology procedures simplification act.

The bill was read the second time.

## MOTION

On motion of Senator Kreidler, the rules were suspended, Senate Bill No. 5427 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5427.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5427 and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 43.

Excused: Senators Cantu, Gaspard, Moore, Peterson, Smitherman, Tanner - 6.

SENATE BILL NO. 5427, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## PERSONAL PRIVILEGE

Senator Bottiger: "Mr. President, a point of personal privilege. One day last week Senator Deccio made some disparaging remarks about Wenatchee apples and Senator Sellar did not rise to the defense of the industry in the Entiat Valley, let alone the rest of area over there, so I brought you some Entiat Valley apples. Senator Deccio. If you want to test the quality compared to the Yakima apples, please do so."

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

## REPORTS OF STANDING COMMITTEES

February 20, 1987

SB 5080 Prime Sponsor, Senator Halsan: Changing provisions relating to exempt pension money. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Moore, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

February 18, 1987

SB 5225 Prime Sponsor, Senator Gaspard: Modifying collective bargaining procedures at community colleges. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5225 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Smitherman, Warnke.

Referred to Committee on Ways and Means.

February 19, 1987

SB 5307 Prime Sponsor, Senator McCaslin: Prohibiting counties from forcing property owners to sign local improvement petitions. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Garrett, Vice Chairman; DeJarnatt, McCaslin, Zimmerman.

Passed to Committee on Rules for second reading.

February 19, 1987

SB 5349 Prime Sponsor, Senator Bailey: Requiring two and one-half percent of the department of ecology's appropriation from the water quality account to be transferred to the state conservation commission. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 5349 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Chairman; Anderson, Bailey, Barr, Gaspard.

Passed to Committee on Rules for second reading.

February 18, 1987

SB 5370 Prime Sponsor, Senator Garrett: Renaming the state employees' insurance board revolving fund. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Cantu, Deccio, Kreidler, Lee, McDonald, Rasmussen, Rinehart, Saling, Talmadge, William.

Passed to Committee on Rules for second reading.

February 19, 1987

SB 5404 Prime Sponsor, Senator Wojahn: Regulating care provided in the home to ill, infirm, or disabled persons. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5404 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Tanner.

Referred to Committee on Ways and Means.

February 19, 1987

SB 5452 Prime Sponsor, Senator Wojahn: Providing a prenatal care program. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5452 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Tanner.

Referred to Committee on Ways and Means.

February 19, 1987

SB 5497 Prime Sponsor, Senator Peterson: Appropriating moneys for higher education faculty salaries. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5497 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Cantu, Deccio, Kreidler, McDonald, Rinehart, Saling, Talmadge, Vognlid, Warnke, Zimmerman.

Passed to Committee on Rules for second reading.

February 20, 1987

SB 5507 Prime Sponsor, Senator Bender: Declaring certain acts to be unfair or deceptive acts or practices under the insurance code. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 5507 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Fleming, McDermott, Metcalf, von Reichbauer.

MINORITY recommendation: Do not pass. Signed by Senator Pullen.

Passed to Committee on Rules for second reading.

February 19, 1987

SB 5514 Prime Sponsor, Senator Talmadge: Revising competitive bidding requirements for water and sewer districts. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5514 be substituted therefor, and the substitute bill do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Talmadge.

Passed to Committee on Rules for second reading.

February 17, 1987

SB 5540 Prime Sponsor, Senator Wojahn: Providing protection for Indian children. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5540 be substituted therefor, and the substitute bill do pass. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Tanner.

Passed to Committee on Rules for second reading.

February 20, 1987

SB 5571 Prime Sponsor, Senator Hansen: Creating the grain indemnity fund. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass as amended. Signed by Senators Hansen, Chairman; Bauer, Vice Chairman; Anderson, Bailey, Barr, Gaspard.

Passed to Committee on Rules for second reading.

February 20, 1987

SB 5668 Prime Sponsor, Senator Moore: Revising provisions on the issuance of securities by public service companies. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Fleming, McDermott, Metcalf, Pullen, von Reichbauer.

Passed to Committee on Rules for second reading.

February 19, 1987

SB 5692 Prime Sponsor, Senator Bailey: Allowing the marketing association of a cooperative to enter into discussions pertaining to milk agreements. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 5692 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Chairman; Anderson, Bailey, Barr, Gaspard.

Passed to Committee on Rules for second reading.

February 20, 1987

SB 5833 Prime Sponsor, Senator Talmadge: Establishing an office of the public defender. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5833 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Bottiger, McCaslin, Moore, Nelson, Newhouse.

Referred to Committee on Ways and Means.

MOTION

At 9:49 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 10:50 a.m. by President Pro Tempore Rasmussen.

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

SECOND READING

SENATE BILL NO. 5429, by Senators Rinehart, Saling, Gaspard and Stratton

Establishing the Washington community college instructional improvement program.

The bill was read the second time.

MOTION

On motion of Senator Rinehart, the rules were suspended, Senate Bill No. 5429 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5429.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5429 and the bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

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

Absent: Senators McDonald, Sellar - 2.

Excused: Senators Peterson, Tanner - 2.

SENATE BILL NO. 5429, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Vognild, and there being no objection, Senate Bill No. 5078, which was on the second reading calendar, was referred to the Committee on Rules.

SECOND READING

SENATE BILL NO. 5058, by Senators Halsan, Deccio, Johnson, Talmadge, Hansen, Lee, McDonald, Nelson, Anderson, Hayner and Saling (by request of Joint Administrative Rules Review Committee)

Revising agency failure to adopt rules.

MOTIONS

On motion of Senator Halsan, Substitute Senate Bill No. 5058 was substituted for Senate Bill No. 5058 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Halsan, the rules were suspended, Substitute Senate Bill No. 5058 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5058.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5058 and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

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

Voting nay: Senator Kreidler - 1.

Excused: Senator Peterson - 1.

SUBSTITUTE SENATE BILL NO. 5058, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5067, by Senators Talmadge, Newhouse, Bottiger, Nelson, Moore, Rinehart and Deccio

Clarifying enforcement jurisdiction of domestic violence prevention orders.

The bill was read the second time.

#### MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 5067 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5067.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5067 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator Peterson - 1.

SENATE BILL NO. 5067, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5144, by Senators Hansen, Barr and Gaspard (by request of Department of Agriculture)

Modifying regulation of fertilizers and pesticides.

#### MOTIONS

On motion of Senator Hansen, Substitute Senate Bill No. 5144 was substituted for Senate Bill No. 5144 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hansen, the rules were suspended, Substitute Senate Bill No. 5144 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5144.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5144 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator Peterson - 1.

SUBSTITUTE SENATE BILL NO. 5144, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5149, by Senators Conner, DeJarnatt, Tanner, Owen, Newhouse and von Reichbauer (by request of Office of the Administrator for the Courts)

Authorizing the court of appeals to hold sessions in certain additional cities.

The bill was read the second time.

MOTIONS

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

On page 1, line 20, strike "such of the following" and insert "~~((such of the following))~~"

On page 1, line 21 after "rule" strike all of the material down to and including "Walla Walla." on line 23 and insert "~~((Seattle, Everett, Bellingham, Tacoma, Vancouver, Spokane, Yakima, Richland, Wenatchee, and Walla Walla))~~."

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 5149 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5149.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5149 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator Peterson - 1.

ENGROSSED SENATE BILL NO. 5149, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5156, by Senators Bluechel, Kreidler and Garrett

Exempting class AA counties from state flood controls.

MOTIONS

On motion of Senator Kreidler, Substitute Senate Bill No. 5156 was substituted for Senate Bill No. 5156 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kreidler, the rules were suspended, Substitute Senate Bill No. 5156 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5156.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5156 and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

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

Voting nay: Senators Talmadge, Wojahn - 2.

Excused: Senator Peterson - 1.

SUBSTITUTE SENATE BILL NO. 5156, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5157, by Senators Owen, Pullen, Warnke, Metcalf, Garrett, Barr and Deccio

Authorizing the carrying of hand guns while hunting.

#### MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 5157 was substituted for Senate Bill No. 5157 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the rules were suspended, Substitute Senate Bill No. 5157 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5157.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5157 and the bill passed the Senate by the following vote: Yeas, 41; nays, 7; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Talmadge, Tanner, Vognilid, von Reichbauer, Warnke, West, Williams, Zimmerman - 41.

Voting nay: Senators Bluechel, Bottiger, Fleming, McDermott, Moore, Stratton, Wojahn - 7.

Excused: Senator Peterson - 1.

SUBSTITUTE SENATE BILL NO. 5157, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5199, by Senators Halsan, Zimmerman and DeJarnatt

Establishing time limitation for port district boundary changes.

#### MOTIONS

On motion of Senator Halsan, Substitute Senate Bill No. 5199 was substituted for Senate Bill No. 5199 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Halsan, the rules were suspended, Substitute Senate Bill No. 5199 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5199.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5199 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator Peterson - 1.

SUBSTITUTE SENATE BILL NO. 5199, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Vognlid, the Senate advanced to the ninth order of business.

On motion of Senator Vognlid, the Committee on Judiciary was relieved of further consideration of Senate Bill No. 5707.

On motion of Senator Vognlid, Senate Bill No. 5707 was referred to the Committee on Human Services and Corrections.

On motion of Senator Vognlid, the Committee on Transportation was relieved of further consideration of Senate Bill No. 5855.

On motion of Senator Vognlid, Senate Bill No. 5855 was referred to the Committee on Financial Institutions.

On motion of Senator Vognlid, the Committee on Transportation was relieved of further consideration of Senate Bill No. 5837.

On motion of Senator Vognlid, Senate Bill No. 5837 was referred to the Committee on Commerce and Labor.

MOTION

At 11:36 a.m., on motion of Senator Vognlid, the Senate recessed until 1:15 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:15 p.m. by President Pro Tempore Rasmussen.

There being no objection, the President Pro Tempore returned the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

February 20, 1987

SB 5024 Prime Sponsor, Senator Talmadge: Requiring advertising by contractors to show the contractor's registration number. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5024 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Vognlid, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 20, 1987

SB 5319 Prime Sponsor, Senator Vognlid: Authorizing limited credit sales of certain nonliquor food products by wine and beer wholesalers. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Cantu, Lee, Sellar, Vognlid.

Passed to Committee on Rules for second reading.

February 20, 1987

SB 5584 Prime Sponsor, Senator Tanner: Changing penalties for misrepresentations in reports or claims to the department of labor and industries. Reported by Committee on Commerce and Labor

**MAJORITY recommendation:** That Substitute Senate Bill No. 5584 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Lee, Sellar, Vognild, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 20, 1987

SB 5739 Prime Sponsor, Senator Vognild: Revising requirements for escrow agents for bonds and errors and omissions policies. Reported by Committee on Commerce and Labor

**MAJORITY recommendation:** Do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Lee, Sellar, Vognild, Wojahn.

Passed to Committee on Rules for second reading.

At 1:20 p.m., the Senate retired to the House Chambers to meet in Joint Session for the purpose of a Memorial Service for deceased members.

#### JOINT SESSION

#### **MEMORIAL PROGRAM**

Presiding: President Pro Tempore of the Senate, A.L. "Slim" Rasmussen  
Chair: Speaker Pro Tempore of the House, John L. O'Brien

#### INVOCATION

by  
The Reverend John G. Chatalas  
Pioneer Presbyterian Church

#### COLLEGIUM MUSICUM

Professor JoAnn Taricani, Director  
University of Washington  
Division of Music History

'Tis Not for This Moment the Tear is Shed .....	Thomas Moore
How Off Has the Banshee Cried .....	Thomas Moore
The 23rd Psalm by Malotte .....	Senator William Kiskaddon Accompanist, Mr. Barney McClure
Memorial Tribute .....	Speaker Pro Tempore John L. O'Brien Representative Clyde Ballard

#### CANDLE SERVICE

#### IN MEMORIUM

In tribute to the memories of our distinguished former members of the Senate and House of Representatives who have passed from among us during the preceding biennium, the Fiftieth Legislative Session of the state of Washington conveys its respects on behalf of the people of our state. May the memory of their dedicated service remain in our hearts:

#### In Memory of:

A. A. "Doc" Adams  
C.W. "Red" Beck  
Bill Burns  
William Chatalas  
Henry Foss  
Herb Hanson  
Elmer E. Johnston  
William C. Klein  
Virgil R. Lee  
Audley F. Mahaffey

#### Tribute by

Representative Barbara Holm  
Representative Ron Meyers  
Representative Janice Niemi  
Representative Eugene Lux  
Senator Peter von Reichbauer  
Representative Mary Margaret Haugen  
Representative Gene Prince  
Speaker Joseph E. King  
Representative Neil Amondson  
Representative Richard O. Barnes

Victor A. Meyers, Jr.  
 Donald B. Miller  
 William Paris  
 Dick van Dyke

Representative P.J. Gallagher  
 Senator Lois Stratton  
 Representative Bob Williams  
 Representative John Beck

Flower Tribute by members of the Senate and House of Representatives

Lord's Prayer by Malotte . . . . . Nancy Olson Chatalas  
 How Great Thou Art by George Beverly Shea  
 Accompanist, Jennifer G. Goodenberger

Amazing Grace by John Newton . . . . . Ralph Munro, Secretary of State

Irish Blessing . . . . . Father Joe Maguire, S.J.

Benediction . . . . . Father Joe Maguire, S.J.  
 Rector, Bellarmine Jesuit House

Echo Taps . . . . . 9th Infantry Division Band  
 Bugler Sgt. Karl P. Liberatore  
 Bugler Spec. 4 Stephen F. Ayres  
 Drummer Sgt. Richard D. Dittler  
 Fife Pvt. 2 Wayne M. Parker

Color Guard . . . . . 497th Transportation Co.-Ft. Lewis, Washington  
 SFC Israel Chinn  
 Spec. 4 Kenneth Gilbert  
 Spec. 4 David McCoy  
 Spec. 4 Jeffery Johnson  
 PFC Jimmy Willis

Piano Prelude . . . . . Patrick McDonald

The President Pro Tempore of the Senate announced the conclusion of the Memorial Service.

MOTION

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

The Senate was called to order at 2:21 p.m. by President Pro Tempore Rasmussen.

MOTION

At 2:21 p.m., on motion of Senator Vognild, the Senate adjourned until 12:00 noon, Tuesday, February 24, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## FORTY-FOURTH DAY

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### NOON SESSION

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Senate Chamber, Olympia, Tuesday, February 24, 1987

The Senate was called to order at 12:00 noon by President Pro Tempore Rasmussen. No roll call was taken.

The Sergeant at Arms Color Guard, consisting of Pages Heather and Scott Bahr, presented the Colors. Reverend Dr. Carl Pfeil, pastor of the Emmanuel Baptist Church of Olympia, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

February 20, 1987

SB 5076 Prime Sponsor, Senator Bluechel: Establishing a commission on mobile home rental space availability. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Tanner, Vognild, Williams.

Referred to Committee on Ways and Means.

February 23, 1987

SB 5132 Prime Sponsor, Senator Warnke: Requiring a long-term study of public assistance recipients. Reported by Committee on Rules

MAJORITY recommendation: Refer to Committee on Ways and Means. Signed by John A. Cherberg, Chairman; Senators Rasmussen, Vice Chairman; Bauer, Bender, Benitz, Bottiger, Conner, Fleming, Garrett, Hayner, Newhouse, Sellar, Vognild, von Reichbauer, Zimmerman.

Referred to Committee on Ways and Means.

February 23, 1987

SB 5189 Prime Sponsor, Senator Owen: Requiring a single recreational fishing license for all applicants. Reported by Committee on Rules

MAJORITY recommendation: Refer to Committee on Ways and Means. Signed by John A. Cherberg, Chairman; Senators Rasmussen, Vice Chairman; Bauer, Bender, Benitz, Bottiger, Conner, Fleming, Garrett, Hayner, Newhouse, Sellar, Vognild, von Reichbauer, Zimmerman.

Referred to Committee on Ways and Means.

February 18, 1987

SB 5274 Prime Sponsor, Senator Gaspard: Recognizing teachers' in-service training and continuing education for compensation purposes. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5274 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Smitherman, Warnke.

Referred to Committee on Ways and Means.

February 23, 1987

SB 5300 Prime Sponsor, Senator Halsan: Regulating payment of state employee moving expenses. Reported by Committee on Rules

MAJORITY recommendation: Refer to Committee on Ways and Means. Signed by John A. Cherberg, Chairman; Senators Rasmussen, Vice Chairman; Bauer, Bender, Benitz, Bottiger, Conner, Fleming, Garrett, Hayner, Newhouse, Sellar, Vognil, von Reichbauer, Zimmerman.

Referred to Committee on Ways and Means.

February 23, 1987

SB 5301 Prime Sponsor, Senator Halsan: Regulating vicious dogs. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5301 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Moore, Nelson.

Passed to Committee on Rules for second reading.

February 23, 1987

SB 5306 Prime Sponsor, Senator Talmadge: Regulating disposal of sanitary wastes at marinas. Reported by Committee on Rules

MAJORITY recommendation: Refer to Committee on Ways and Means. Signed by John A. Cherberg, Chairman; Senators Rasmussen, Vice Chairman; Bauer, Bender, Benitz, Bottiger, Conner, Fleming, Garrett, Hayner, Newhouse, Sellar, Vognil, von Reichbauer, Zimmerman.

Referred to Committee on Ways and Means.

February 23, 1987

SB 5326 Prime Sponsor, Senator Garrett: Creating the Washington disability training and placement coordination council. Reported by Committee on Rules

MAJORITY recommendation: Refer to Committee on Ways and Means. Signed by John A. Cherberg, Chairman; Senators Rasmussen, Vice Chairman; Bauer, Bender, Benitz, Bottiger, Conner, Fleming, Garrett, Hayner, Newhouse, Sellar, Vognil, von Reichbauer, Zimmerman.

Referred to Committee on Ways and Means.

February 19, 1987

SB 5359 Prime Sponsor, Senator Moore: Revising provisions relating to the state actuary and creating a joint committee on pension policy. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Deccio, Fleming, Kreidler, Lee, Moore, Rasmussen, Rinehart, Saling, Talmadge, Vognil, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 20, 1987

SB 5393 Prime Sponsor, Senator Tanner: Making older unemployed workers and the long-term unemployed the highest priority for services available from the job service program of the employment security department. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5393 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Tanner, Vognil, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 24, 1987

SB 5408 Prime Sponsor, Senator Warnke: Revising provisions relating to asbestos projects. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Cantu, Lee, Sellar, Tanner, Vognil, West, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 23, 1987

SB 5464 Prime Sponsor, Senator Halsan: Authorizing district courts to collect fines through credit cards and collection agencies. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5464 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Moore, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

February 19, 1987

SB 5622 Prime Sponsor, Senator Gaspard: Continuing the beginning teachers assistance program. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5622 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Patterson, Saling, Smitherman, Warnke.

Referred to Committee on Ways and Means.

February 23, 1987

SB 5632 Prime Sponsor, Senator Bauer: Establishing the learning assistance program. Reported by Committee on Rules

MAJORITY recommendation: Refer to Committee on Ways and Means. Signed by John A. Cherberg, Chairman; Senators Rasmussen, Vice Chairman; Bauer, Bender, Benitz, Bottiger, Conner, Fleming, Garrett, Hayner, Newhouse, Sellar, Vognild, von Reichbauer, Zimmerman.

Referred to Committee on Ways and Means.

February 20, 1987

SB 5787 Prime Sponsor, Senator Warnke: Creating provisions for abandoned mobile homes located in trailer parks. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5787 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Lee, Sellar, Vognild, Wojahn.

Passed to Committee on Rules for second reading.

February 20, 1987

SB 5824 Prime Sponsor, Senator Halsan: Making assault at state corrections facilities and local detention facilities a class C felony. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5824 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Bottiger, McCaslin, Moore, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

February 23, 1987

SB 5832 Prime Sponsor, Senator Bender: Establishing the office of capital projects. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means Signed by Senators Warnke, Chairman; Anderson, Lee, Sellar, West, Williams, Wojahn.

Referred to Committee on Ways and Means.

February 20, 1987

SB 5862 Prime Sponsor, Senator Warnke: Requiring notice where amendments to comprehensive plan affects rental or leased property. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5862 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Sellar, Tanner, Vognil, Williams.

Passed to Committee on Rules for second reading.

February 20, 1987

SB 5863 Prime Sponsor, Senator Warnke: Prohibiting the refusal or expulsion of mobile homes from a mobile home park because of the age of the mobile home. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Tanner, Vognil, Williams.

Passed to Committee on Rules for second reading.

February 20, 1987

SB 5864 Prime Sponsor, Senator Smitherman: Providing for inclusion of mobile home owners in relocation assistance procedures. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Sellar, Tanner, Vognil, Williams.

Passed to Committee on Rules for second reading.

February 20, 1987

SB 5943 Prime Sponsor, Senator Nelson: Revising provisions on the small claims department of district court. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Bottiger, McCaslin, Moore, Nelson.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

February 4, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Hector X. Gonzales, appointed February 4, 1987, for a term ending September 24, 1988, as a member of the Corrections Standards Board.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Human Services and Corrections.

February 11, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Lowell E. Knutson, appointed February 11, 1987, for a term ending September 30, 1991, as a member of the Board of Trustees for Seattle Community College District No. 6.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Education.

INTRODUCTION AND FIRST READING

SB 5966 by Senators Nelson, Johnson, Zimmerman and Craswell

AN ACT Relating to rates and services of public utilities; and amending RCW 80.28.010.

Referred to Committee on Judiciary.

SB 5967 by Senators Bottiger, Newhouse and Peterson

AN ACT Relating to optometry; amending RCW 18.53.010, 18.53.140, and 69.41.010; and creating a new section.

Referred to Committee on Human Services and Corrections.

SB 5968 by Senators Talmadge, Warnke, Rinehart, Lee, Moore, Garrett, Wojahn, Zimmerman and Deccio

AN ACT Relating to community residential programs for the developmentally disabled; making appropriations and authorizing expenditures for the operations of community residential programs for the developmentally disabled for the fiscal biennium beginning July 1, 1987, and ending June 30, 1989; creating a new section; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5969 by Senators Kreidler, Kiskaddon and Zimmerman

AN ACT Relating to establishing a chiropractic practice board; amending RCW 18.25.005, 18.25.019, 18.25.020, 18.25.030, 18.25.040, 18.25.070, and 18.130.020; reenacting and amending RCW 18.120.020 and 18.130.040; adding new sections to chapter 18.25 RCW; repealing RCW 18.25.015, 18.25.050, 18.25.100, 18.26.010, 18.26.020, 18.26.028, 18.26.030, 18.26.040, 18.26.050, 18.26.060, 18.26.070, 18.26.080, 18.26.090, 18.26.110, 18.26.900, 43.131-.295, and 43.131.296; providing an effective date; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 5970 by Senators Owen, Craswell, Conner, Cantu, Pullen and Johnson

AN ACT Relating to education; adding a new section to chapter 28A.67 RCW; and prescribing penalties.

Referred to Committee on Education.

SB 5971 by Senator Wojahn

AN ACT Relating to physicians' assistants; and amending RCW 18.71A.060.

Referred to Committee on Human Services and Corrections.

SB 5972 by Senators Bottiger and Newhouse

AN ACT Relating to limiting the actions which can be brought against participants in the health care peer review process; and adding a new chapter to Title 7 RCW.

Referred to Committee on Judiciary.

SB 5973 by Senators Rasmussen, Johnson, Wojahn, Bottiger, Gaspard, von Reichbauer, Moore, Smitherman, Vognild, Zimmerman, Nelson, Owen, Benitz, Newhouse, Craswell and Deccio

AN ACT Relating to state reinsurance of tideland and river bed titles which may be subject to Indian ownership claims; adding a new section to chapter 48.29 RCW; and creating a new section.

Referred to Committee on Natural Resources.

SB 5974 by Senators Rasmussen, Johnson, Gaspard, von Reichbauer, Moore, Bottiger, Smitherman, Vognild, Wojahn, Zimmerman, Nelson, Owen, Benitz, Newhouse, Craswell and Deccio

AN ACT Relating to Indian ownership claims to lands conveyed by state deeds; adding a new section to chapter 64.04 RCW; and creating a new section.

Referred to Committee on Natural Resources.

SB 5975 by Senators Williams, Johnson and Rinehart

AN ACT Relating to the capitol campus; and adding a new section to chapter 43.34 RCW.

Referred to Committee on Governmental Operations.

MOTION

At 12:06 p.m., on motion of Senator Vognild, the Senate adjourned until 9:30 a.m., Wednesday, February 25, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## FORTY-FIFTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Wednesday, February 25, 1987

The Senate was called to order at 9:30 a.m. by President Pro Tempore Rasmussen. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators McDonald, Patterson, Stratton and West. On motion of Senator Bender, Senator Stratton was excused.

The Sergeant at Arms Color Guard, consisting of Pages Shannon Rasmussen and Anna Ovalle, presented the Colors. Reverend Dr. Carl Pfeil, pastor of the Emmanuel Baptist Church of Olympia, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

February 24, 1987

SB 5055 Prime Sponsor, Senator Owen: Authorizing ham radio operators to lease state lands. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5055 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; DeJarnatt, Vice Chairman; Barr, Conner, Craswell, Patterson, Stratton.

Passed to Committee on Rules for second reading.

February 24, 1987

SB 5117 Prime Sponsor, Senator Barr: Requiring owners to control livestock to within twelve hours of running at large in livestock restricted area. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Bauer, Vice Chairman; Bailey, Barr, Gaspard.

Passed to Committee on Rules for second reading.

February 24, 1987

SB 5332 Prime Sponsor, Senator DeJarnatt: Implementing voter registration by mail. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, Talmadge.

Passed to Committee on Rules for second reading.

February 24, 1987

SB 5338 Prime Sponsor, Senator Tanner: Financing maintenance and operation of a fish collection facility at the sediment retention structure site. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5338 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Owen, Chairman; DeJarnatt, Vice Chairman; Conner, Craswell, Patterson, Stratton.

Referred to Committee on Ways and Means.

February 19, 1987

SB 5476 Prime Sponsor, Senator Bauer: Establishing programs to enhance children's ability to learn. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5476 be substituted therefor, and the substitute bill do pass and be referred to Committee on

Ways and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Smitherman, Warnke.

Referred to Committee on Ways and Means.

February 19, 1987

SB 5479 Prime Sponsor, Senator Gaspard: Providing for the improvement of teachers and schools. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5479 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Smitherman, Warnke.

Passed to Committee on Rules for second reading.

February 24, 1987

SB 5495 Prime Sponsor, Senator Stratton: Revising provisions relating to taking food fish for personal use. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5495 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; DeJarnatt, Vice Chairman; Barr, Conner, Patterson, Stratton.

Passed to Committee on Rules for second reading.

February 24, 1987

SB 5764 Prime Sponsor, Senator Talmadge: Adopting the Washington sunrise act. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Talmadge.

Passed to Committee on Rules for second reading.

February 24, 1987

SB 5765 Prime Sponsor, Senator Talmadge: Reviewing special purpose districts. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Talmadge.

Passed to Committee on Rules for second reading.

February 24, 1987

SB 5780 Prime Sponsor, Senator Bottiger: Authorizing diversified investment of campaign funds. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Pullen, Talmadge.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

February 24, 1987

GA 9046 JUDGE DONALD H. THOMPSON, appointed December 12, 1986, for a term ending August 2, 1989, as a member of the Sentencing Guidelines Commission.  
Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Bottiger, McCaslin, Moore, Nelson, Newhouse

Passed to Committee on Rules.

February 24, 1987

GA 9070 ARTHUR D. CURTIS, appointed December 12, 1986, for a term ending August 2, 1989, as a member of the Sentencing Guidelines Commission.  
Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Moore, Nelson, Newhouse

Passed to Committee on Rules.

February 24, 1987

GA 9083 PATRICIA ANTHONY, reappointed December 12, 1986, for a term ending August 2, 1989, as a member of the Sentencing Guidelines Commission.

Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Moore, Newhouse

Passed to Committee on Rules.

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

#### SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8404, by Senators Garrett, Johnson, Peterson, Wojahn, Lee, Tanner, Warnke, Williams, Conner and Kiskaddon (by request of Joint Select Committee on Disability Employment and Economic Participation)

Requiring a report to the governor and legislative committees on the progress made in implementing recommendations of the joint select committee on disability employment and economic participation.

The resolution was read the second time.

#### MOTION

On motion of Senator Garrett, the rules were suspended, Senate Concurrent Resolution No. 8404 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Concurrent Resolution No. 8404.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Concurrent Resolution No. 8404 and the resolution passed the Senate by the following vote: Yeas, 45; absent, 3; excused, 1.

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

Absent: Senators McDonald, Patterson, West - 3.

Excused: Senator Stratton - 1.

SENATE CONCURRENT RESOLUTION NO. 8404, having received the constitutional majority, was declared passed.

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

#### MOTION

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

#### SENATE RESOLUTION 1987-8608

by Senators Peterson, Metcalf and Zimmerman

WHEREAS, The beautiful Skagit Valley is the tulip capital of the Northwest; and  
WHEREAS, Every April the tulips are in bloom celebrating the beginning of spring; and

WHEREAS, The Skagit Valley begins the festival season in Washington State with the Skagit Valley Tulip Festival; and

WHEREAS, This year's fourth annual event will run from April 2 through April 12, with the Festival focusing on Anacortes and La Conner the first weekend and Mt. Vernon, Burlington and Sedro Woolley the second weekend; and

WHEREAS, Last year's Festival brought pleasure and excitement to nearly a half-million visitors and a strong economic impact to Skagit Valley; and

WHEREAS, Visitors will be overwhelmed by more than 1,400 acres of tulips reflecting all the colors of the rainbow; and

WHEREAS, The Taste of Skagit food fair, the blue grass music festival, the tall ships, the Paccar open house, the tulip pedal (bicycle race), tulip paddle (boat race featuring the Lummi Indians), and the "Gracious, Spacious, Bulb-acious" tulip art show highlight the event;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate salute the five communities of Skagit County and the Chambers of Commerce for their pending Fourth Annual Skagit County Tulip Festival; and

BE IT FURTHER RESOLVED, That we commend those community leaders responsible for the success of this important event and that we encourage citizens from across Washington State to take the time to enjoy the Skagit Valley Tulip Festival; and

BE IT FURTHER RESOLVED, That the Washington State Senate issue this resolution in recognition of the Skagit Valley Tulip Festival, April 2 through 12, 1987.

Senator Vognild, speaking for Senator Peterson, and Senator Zimmerman spoke to the resolution.

#### APPOINTMENT OF SPECIAL COMMITTEE

The President Pro Tempore announced the presence in the Senate Chamber of the 1987 Washington State Apple Blossom Festival royalty and appointed Senators Sellar, Hayner, Bottiger, Hansen, Newhouse, Deccio, Bauer and Wojahn to escort the honored guests to the Senate Rostrum.

The President Pro Tempore turned the gavel over to Senator Sellar who introduced Queen Candy Cline and Princesses Becky Schooler and Carmen Harris.

With permission of the Senate, business was suspended to permit Queen Candy to address the Senate.

Senator Sellar returned the gavel to the President Pro Tempore and the honored guests were escorted from the Senate Chamber and the committee was discharged.

#### PERSONAL PRIVILEGE

Senator Zimmerman: "Mr. President, a point of personal privilege. We just had a little ceremony, an interesting ceremony, in which we honored the Apple Blossom Court from Wenatchee in eastern Washington. There is a point of personal consideration I think we need to recognize. There is an area down along the Columbia River in Klickitat county that has the Mount Adams Orchard and the Sundale Orchard that produce some of the greatest apples in the state of Washington and we never seem to get involved. Senator Lee has suggested and I think we will want to make a personal point that for those from that part of the state, we will consider an apple harvest day--an apple harvest festival. The blossoms are fine, the blossoms are beautiful, but the harvest is what really counts, so keep in mind that there may be an opportunity in the future to honor such a day for the Sundale Orchards and the Mount Adams Orchards, and others in that part of the state, because they too contribute immensely to this great industry in eastern Washington."

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

## SECOND READING

SENATE BILL NO. 5466, by Senators Moore, Bender and Metcalf (by request of Insurance Commissioner)

Revising provisions on fees assessed against health maintenance organizations.

## MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 5466 was substituted for Senate Bill No. 5466 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Moore, the rules were suspended, Substitute Senate Bill No. 5466 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5466.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5466 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator Stratton - 1.

SUBSTITUTE SENATE BILL NO. 5466, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5469, by Senators Talmadge, Nelson and Halsan (by request of Office of the Code Reviser and Department of Trade and Economic Development)

Correcting obsolete statutory references relating to the department of trade and economic development.

The bill was read the second time.

## MOTION

On motion of Senator Warnke, the rules were suspended, Senate Bill No. 5469 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5469.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5469 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator Stratton - 1.

SENATE BILL NO. 5469, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Bender, Senator Peterson was excused.

## SECOND READING

SENATE BILL NO. 5480, by Senators Patterson, Metcalf, Barr and Bailey

Permitting second-class school districts to hire officers' spouses on a half-time basis.

The bill was read the second time.

## MOTIONS

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

On page 3, line 4, after "district" insert: "; PROVIDED, That each second class school district shall adopt a written policy to implement this subsection (9)"

On motion of Senator Gaspard, the rules were suspended, Engrossed Senate Bill No. 5480 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5480.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5480 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

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

Excused: Senators Peterson, Stratton - 2.

ENGROSSED SENATE BILL NO. 5480, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5511, by Senators Gaspard and Johnson (by request of Department of Retirement Systems)

Establishing a mechanism for mandatory assignment of divided retirement benefit payments.

## MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 5511 was substituted for Senate Bill No. 5511 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 5511 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5511.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5511 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

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

Excused: Senators Peterson, Stratton - 2.

SUBSTITUTE SENATE BILL NO. 5511, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5512, by Senators Gaspard and Johnson (by request of Department of Retirement Systems)

Revising provisions relating to service credit under the public employees retirement system.

#### MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 5512 was substituted for Senate Bill No. 5512 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McDermott, the rules were suspended. Substitute Senate Bill No. 5512 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5512.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5512 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

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

Excused: Senators Peterson, Stratton - 2.

SUBSTITUTE SENATE BILL NO. 5512, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5513, by Senators Gaspard and Johnson (by request of Department of Retirement Systems)

Revising provisions relating to withdrawal, restoration, and interest on state patrol retirement contributions.

The bill was read the second time.

#### MOTION

On motion of Senator McDermott, the rules were suspended. Senate Bill No. 5513 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Hayner: "Senator McDermott, is there some organized plan to bring some uniformity in these bills so that we don't have a perpetuation of some of the problems that we have had in the past?"

Senator McDermott: "Senator Hayner, Senator Gaspard's committee worked very hard on a portability bill which is presently in the Rules Committee and I would appreciate you using your next pull to bring it up on the calendar. We bring out these bills by the score every session, tinkering with this and that in the pension system. I really think a portability bill is the answer to it all."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5513.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5513 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

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

Excused: Senators Peterson, Stratton - 2.

SENATE BILL NO. 5513, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5631, by Senators Smitherman, Gaspard and Bauer (by request of Superintendent of Public Instruction and State Board of Education)

Providing for the recruitment of teachers from underrepresented groups.

The bill was read the second time.

MOTION

On motion of Senator Smitherman, the rules were suspended, Senate Bill No. 5631 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5631.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5631 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

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

Excused: Senators Peterson, Tanner - 2.

SENATE BILL NO. 5631, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8005, by Senators Williams, Smitherman, Benitz, Owen, Stratton, Nelson, Tanner, Bauer, Rasmussen, Zimmerman, Saling and McCaslin

Petitioning Congress and the President to prohibit the sale of BPA.

The memorial was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Senate Joint Memorial No. 8005 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Joint Memorial No. 8005.

ROLL CALL

The Secretary called the roll on final passage of Senate Joint Memorial No. 8005 and the memorial passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

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

Absent: Senators Lee, Nelson - 2.

Excused: Senators Peterson, Stratton - 2.

SENATE JOINT MEMORIAL NO. 8005, having received the constitutional majority, was declared passed.

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

#### INTRODUCTION AND FIRST READING

SB 5976 by Senators Hansen and Barr

AN ACT Relating to livestock liens; amending RCW 60.56.010 and 60.56.050; adding new sections to chapter 60.56 RCW; and repealing RCW 60.56.020, 60.56.030, and 60.56.040.

Referred to Committee on Agriculture.

SB 5977 by Senators Gaspard and Patterson

AN ACT Relating to a state educational telecommunications network; creating a new section; providing an expiration date; and making appropriations.

Referred to Committee on Education.

SB 5978 by Senators Bottiger, Kreidler and Vognild

AN ACT Relating to prohibiting the sale or use of tributyltin in paints; and adding a new section to chapter 70.54 RCW.

Referred to Committee on Parks and Ecology.

SB 5979 by Senator Moore

AN ACT Relating to ferries; and adding a new section to chapter 47.60 RCW.

Referred to Committee on Transportation.

SB 5980 by Senator Smitherman

AN ACT Relating to students; and adding new sections to chapter 28A.58 RCW.

Referred to Committee on Education.

SB 5981 by Senator Smitherman

AN ACT Relating to basic competency tests for students; and adding new sections to chapter 28A.03 RCW.

Referred to Committee on Education.

SB 5982 by Senator Smitherman

AN ACT Relating to encouragement and measurement of innovative programs by school districts; adding new sections to Title 28A RCW; and creating a new section.

Referred to Committee on Education.

SB 5983 by Senators Talmadge, Kreidler and Williams

AN ACT Relating to farm land protection; amending RCW 84.34.020 and 7.48.310; adding a new chapter to Title 89 RCW; and making appropriations.

Referred to Committee on Agriculture.

SB 5984 by Senator Kreidler

AN ACT Relating to wetlands protection; and amending RCW 90.58.030.

Referred to Committee on Parks and Ecology.

SB 5985 by Senators Kreidler and Bluechel

AN ACT Relating to the reuse of abandoned rail corridors; and creating a new section.

Referred to Committee on Parks and Ecology.

SB 5986 by Senators Conner, Kreidler, Johnson, Bauer, Garrett, Peterson, DeJarnatt, Bottiger, Metcalf, Wojahn and Craswell

AN ACT Relating to oil spills; adding a new section to chapter 90.48 RCW; creating a new section; and making an appropriation.

Referred to Committee on Parks and Ecology.

- SB 5987 by Senator Hansen  
AN ACT Relating to aquatic farming.  
Referred to Committee on Agriculture.
- SB 5988 by Senator Hansen  
AN ACT Relating to agriculture.  
Referred to Committee on Agriculture.
- SB 5989 by Senator Hansen  
AN ACT Relating to irrigation.  
Referred to Committee on Agriculture.
- SB 5990 by Senator Hansen  
AN ACT Relating to groundwater management.  
Referred to Committee on Agriculture.
- SB 5991 by Senator Hansen  
AN ACT Relating to water supply funding.  
Referred to Committee on Agriculture.
- SB 5992 by Senator Hansen  
AN ACT Relating to agricultural road signs.  
Referred to Committee on Agriculture.
- SB 5993 by Senator Hansen  
AN ACT Relating to water rights.  
Referred to Committee on Agriculture.
- SB 5994 by Senator Hansen  
AN ACT Relating to agricultural liens and security interests.  
Referred to Committee on Agriculture.
- SB 5995 by Senator Hansen  
AN ACT Relating to agricultural commodities.  
Referred to Committee on Agriculture.
- SB 5996 by Senators McDermott, Johnson, Fleming, Bailey, Gaspard and Wojahn  
AN ACT Relating to the vocational technology center; amending RCW 43.84.090; and adding a new chapter to Title 28C RCW.  
Referred to Committee on Education.
- SB 5997 by Senators Kiskaddon, Metcalf and Lee  
AN ACT Relating to the common schools; amending RCW 28A.41.130 and 28A.58.090; reenacting and amending RCW 28A.04.120; adding a new section to chapter 28A.03 RCW; adding new sections to chapter 28A.58 RCW; adding new sections to chapter 41.59 RCW; adding a new section to chapter 84.52 RCW; creating new sections; repealing RCW 28A.02.080, 28A.04.133, 28A.05.010, 28A.05.030, 28A.05.040, 28A.05.050, 28A.26.010, 28A.26.020, 28A.26.030, 28A.26.040, 28A.26.050, 28A.26.060, 28A.26.900, 28A.41.140, 28A.41.400, 28A.41.402, 28A.41.404, 28A.41.406, 28A.41.408, 28A.41.410, 28A.41.414, 28A.58.095, 28A.58.099, 28A.58.245, 28A.58.750, 28A.58.752, 28A.58.754, 28A.58.758, 28A.58.760, 28A.58.800, 28A.58.801, 28A.58.802, 28A.58.804, 28A.58.806, 28A.58.808, 28A.58.809, 28A.58.810, 28A.60.350, 28A.67.065, 28A.67.070, 41.59.010, 41.59.020, 41.59.060, 41.59.070, 41.59.080, 41.59.090, 41.59.100, 41.59.110, 41.59.120, 41.59.130, 41.59.140, 41.59.150, 41.59.160, 41.59.170, 41.59.180, 41.59.900, 41.59.910, 41.59.920, 41.59.930, 41.59.940, 41.59.950, 28A.08.070, 28A.08.900, 84.52.053, and 84.52.0531; making appropriations; and providing effective dates.  
Referred to Committee on Education.
- SB 5998 by Senator Hansen

AN ACT Relating to motor vehicles; amending RCW 81.80.070, 81.80.130, 81.80.190, 81.80.211, 81.80.260, 81.80.371, 81.04.010, 81.04.110, 81.04.130, 81.04.150, 81.04.250, 81.04.450, 46.20.440, 46.20.450, 46.52.130, 46.64.015, and 46.63.110; adding a new section to chapter 46.16 RCW; adding a new section to chapter 46.64 RCW; adding new sections to chapter 81.80 RCW; repealing RCW 81.80.020, 81.80.140, 81.80.150, 81.80.175, and 46.20.460; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

#### MOTION

At 10:04 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 11:36 a.m. by President Pro Tempore Rasmussen.

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

#### SECOND READING

SENATE BILL NO. 5045, by Senators Talmadge and Newhouse

Revising vote canvass and recount procedures.

#### MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 5045 was substituted for Senate Bill No. 5045 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 5045 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5045.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5045 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

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

Excused: Senators Peterson, Stratton - 2.

SUBSTITUTE SENATE BILL NO. 5045, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE JOINT MEMORIAL NO. 4000, by Representatives Walk, Schmidt, Baugher, D. Sommers, Sutherland, Meyers, J. Williams, Heavey, S. Wilson, Grimm, Fisher, Betzoff, Haugen, May, Dellwo, Ferguson, Gallagher, O'Brien, K. Wilson, Kremen, Spanel, Cooper, Grant, Cantwell, Holm, Rayburn, Fisch, Miller and Hankins

Requesting Congress to enact a continuing Surface Transportation Assistance Act.

The memorial was read the second time.

#### MOTION

On motion of Senator Hansen, the rules were suspended, House Joint Memorial No. 4000 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of House Joint Memorial No. 4000.

ROLL CALL

The Secretary called the roll on final passage of House Joint Memorial No. 4000 and the memorial passed the Senate by the following vote: Yeas, 47; excused, 2.

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

Excused: Senators Peterson, Stratton - 2.

SENATE JOINT MEMORIAL NO. 4000, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 5282, by Senators Tanner, Warnke, Vognild, Smitherman, Deccio, Newhouse and Garrett

Changing procedures for suspension of workers' compensation for refusal to comply with medical examination or treatment.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended, Senate Bill No. 5282 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5282.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5282 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent, 1; excused, 2.

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

Voting nay: Senator Bottiger - 1.

Absent: Senator Sellar - 1.

Excused: Senators Peterson, Stratton - 2.

SENATE BILL NO. 5282, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5318, by Senator Pullen

Clarifying fire districts' authority regarding burning permits when the clean air act is involved.

MOTIONS

On motion of Senator Halsan, Substitute Senate Bill No. 5318 was substituted for Senate Bill No. 5318 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Halsan, the rules were suspended, Substitute Senate Bill No. 5318 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5318.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5318 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

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

Absent: Senator Zimmerman - 1.

Excused: Senators Peterson, Stratton - 2.

SUBSTITUTE SENATE BILL NO. 5318, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTIONS

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Vognild, the Committee on Transportation was relieved of further consideration of Senate Bill No. 5171.

On motion of Senator Vognild, Senate Bill No. 5171 was referred to the Committee on Agriculture.

#### MOTION

At 11:55 a.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Thursday, February 26, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## FORTY-SIXTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Thursday, February 26, 1987

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Nelson, Peterson, Stratton and Zimmerman. On motion of Senator Bender, Senators Peterson and Stratton were excused. On motion of Senator Metcalf, Senators Nelson and Zimmerman were excused.

The Sergeant at Arms Color Guard, consisting of Pages Nick Ridgeway and Jeff Ostenson, presented the Colors. Reverend Dr. Carl Pfeil, pastor of the Emmanuel Baptist Church of Olympia, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

February 24, 1987

SB 5063 Prime Sponsor, Senator Talmadge: Revising provisions relating to information on child and adult abuse. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5063 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Moore, Nelson, Newhouse.

Referred to Committee on Ways and Means.

February 25, 1987

SB 5143 Prime Sponsor, Senator Talmadge: Exempting the contents of public employment applications and the addresses and phone numbers of natural persons from public disclosure. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5143 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Bottiger, McCaslin, Nelson, Newhouse.

MINORITY recommendation: Do not pass. Signed by Senator Halsan, Vice Chairman.

Passed to Committee on Rules for second reading.

February 25, 1987

SB 5152 Prime Sponsor, Senator Bauer: Establishing a pilot program to enhance student teaching. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended by Committee on Education. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Deccio, Fleming, Hayner, Kreidler, Rasmussen, Rinehart, Saling, Talmadge, Vognild, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 25, 1987

SB 5314 Prime Sponsor, Senator Talmadge: Establishing water conservation measures. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 5314 be substituted therefor, and the substitute bill do pass. Signed by Senators Kreidler, Chairman; Rinehart, Vice Chairman; Hansen, Kiskaddon.

Passed to Committee on Rules for second reading.

February 23, 1987

SB 5391 Prime Sponsor, Senator Hansen: Creating the essential rail banking account. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5391 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Tanner, Vice Chairman; Bailey, Barr, Conner, DeJarnatt, Garrett, Halsan, Johnson, Nelson, Patterson, Sellar, Smitherman, von Reichbauer, West.

Passed to Committee on Rules for second reading.

February 20, 1987

SB 5392 Prime Sponsor, Senator Warnke: Changing requirements for establishment of benefit years for unemployment compensation. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5392 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Tanner, Vogt, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 23, 1987

SB 5417 Prime Sponsor, Senator Peterson: Extending maximum term for ferry system leases. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5417 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Tanner, Vice Chairman; Bailey, Barr, Bender, Conner, DeJarnatt, Garrett, Halsan, Johnson, Nelson, Patterson, Sellar, Smitherman, von Reichbauer, West.

Passed to Committee on Rules for second reading.

February 25, 1987

SB 5424 Prime Sponsor, Senator Owen: Revising the use of proceeds from the sale or lease of aquatic lands. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Owen, Chairman; DeJarnatt, Vice Chairman; Barr, Conner, Craswell, McDonald, Patterson.

Referred to Committee on Ways and Means.

February 24, 1987

SB 5519 Prime Sponsor, Senator Halsan: Providing for vesting of rights in specified situations. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5519 be substituted therefor, and the substitute bill do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Pullen.

Passed to Committee on Rules for second reading.

February 24, 1987

SB 5538 Prime Sponsor, Senator Owen: Creating the major crimes investigation and assistance unit. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5538 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Bottiger, McCaslin, Moore, Newhouse.

Referred to Committee on Ways and Means.

February 24, 1987

SB 5592 Prime Sponsor, Senator Tanner: Providing qualifications for nonattorney municipal court judges. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Bottiger, Moore, Nelson.

Passed to Committee on Rules for second reading.

February 25, 1987

SB 5604 Prime Sponsor, Senator Vognild: Authorizing the conveyance of land for a United States Navy base in Everett. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5604 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; DeJarnatt, Vice Chairman; Barr, Craswell, McDonald, Patterson.

Passed to Committee on Rules for second reading.

February 24, 1987

SB 5644 Prime Sponsor, Senator Halsan: Revising procedures for establishing ballot titles and summaries. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5644 be substituted therefor, and the substitute bill do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Talmadge.

Passed to Committee on Rules for second reading.

February 24, 1987

SB 5691 Prime Sponsor, Senator Metcalf: Certifying mineral wool product insulation inspectors. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5691 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Lee, Sellar, Tanner, West.

Passed to Committee on Rules for second reading.

February 24, 1987

SB 5713 Prime Sponsor, Senator Barr: Limiting liability of appointed members and employees of conservation districts. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 5713 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Chairman; Bauer, Vice Chairman; Bailey, Barr, Gaspard.

Passed to Committee on Rules for second reading.

February 25, 1987

SB 5729 Prime Sponsor, Senator Bluechel: Changing definition of the Milwaukee road corridor. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 5729 be substituted therefor, and the substitute bill do pass. Signed by Senators Kreidler, Chairman; Bluechel, Kiskaddon.

MINORITY recommendation: Do not pass. Signed by Senator Hansen.

Passed to Committee on Rules for second reading.

February 25, 1987

SB 5730 Prime Sponsor, Senator Bender: Directing a portion of the Milwaukee road corridor to be managed as a recreational trail. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 5730 be substituted therefor, and the substitute bill do pass. Signed by Senators Kreidler, Chairman; Bluechel, Kiskaddon.

MINORITY recommendation: Do not pass. Signed by Senators Rinehart, Vice Chairman; Hansen.

Passed to Committee on Rules for second reading.

February 20, 1987

SB 5768 Prime Sponsor, Senator Smitherman: Authorizing manufactured housing in specified zoning areas. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5768 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Tanner, Vognild, Wojahn.

Passed to Committee on Rules for second reading.

February 25, 1987

SB 5783 Prime Sponsor, Senator Nelson: Prohibiting personal service contracts of lobbyists during a legislative session. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

February 25, 1987

SB 5846 Prime Sponsor, Senator Kreidler: Establishing boating safety regulations. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 5846 be substituted therefor, and the substitute bill do pass. Signed by Senators Kreidler, Chairman; Rinehart, Vice Chairman; Bluechel, Hansen, Kiskaddon.

Passed to Committee on Rules for second reading.

February 24, 1987

SB 5895 Prime Sponsor, Senator Williams: Imposing penalties for violations of provisions relating to nuclear energy and radiation. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 5895 be substituted therefor, and the substitute bill do pass. Signed by Senators Williams, Chairman; Owen, Vice Chairman; Smitherman, Stratton.

Passed to Committee on Rules for second reading.

February 25, 1987

SJM 8007 Prime Sponsor, Senator Wojahn: Petitioning Congress to authorize hospitals to use excess beds for nursing home care. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Wojahn, Chairman; Anderson, Deccio, Johnson, Kreidler, Tanner.

Passed to Committee on Rules for second reading.

February 25, 1987

SJM 8008 Prime Sponsor, Senator Conner: Requesting funding for a comprehensive oil spill program. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass as amended. Signed by Senators Kreidler, Chairman; Rinehart, Vice Chairman; Bluechel, Hansen, Kiskaddon.

Passed to Committee on Rules for second reading.

## MESSAGE FROM THE HOUSE

February 25, 1987

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 42,

HOUSE BILL NO. 94,

SUBSTITUTE HOUSE BILL NO. 98,

HOUSE BILL NO. 110,

HOUSE BILL NO. 187,

SUBSTITUTE HOUSE BILL NO. 353.

HOUSE BILL NO. 379,  
 HOUSE BILL NO. 399,  
 HOUSE BILL NO. 431,  
 HOUSE BILL NO. 464,  
 HOUSE BILL NO. 654,

and had adopted HOUSE CONCURRENT RESOLUTION NO. 4402, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 5999 by Senator Owen

AN ACT Relating to department of game property management; amending RCW 77.12.210; and adding a new section to chapter 79.14 RCW.

Referred to Committee on Natural Resources.

SB 6000 by Senator McCaslin

AN ACT Relating to arrest without a warrant; and reenacting and amending RCW 10.31.100.

Referred to Committee on Judiciary.

SB 6001 by Senators Warnke and Bauer

AN ACT Relating to classified school district employees' benefits.

Referred to Committee on Commerce and Labor.

SB 6002 by Senators McDermott, Owen, Craswell, Moore and Pullen

AN ACT Relating to the excise taxation of amounts received for camping, conference, and recreational services; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6003 by Senator Hansen

AN ACT Relating to nonrelinquishment of water rights; and amending RCW 90.14.140.

Referred to Committee on Agriculture.

SB 6004 by Senators Lee, Kiskaddon and Barr

AN ACT Relating to assistance to recipients of unemployment compensation and public assistance; creating new sections; and providing an expiration date.

Referred to Committee on Commerce and Labor.

SB 6005 by Senators Lee, Kiskaddon, Wojahn and Barr

AN ACT Relating to public assistance eligibility; amending RCW 74.12.035; and creating a new section.

Referred to Committee on Human Services and Corrections.

SB 6006 by Senators Lee, Kiskaddon, Wojahn and Barr

AN ACT Relating to public assistance; creating new sections; and making an appropriation.

Referred to Committee on Human Services and Corrections.

SB 6007 by Senators Deccio, DeJarnatt, Barr, Conner, Patterson and Smitherman

AN ACT Relating to health care planning; and adding a new section to chapter 70.38 RCW.

Referred to Committee on Human Services and Corrections.

SB 6008 by Senators Rinehart, Bailey, Gaspard and Bauer

AN ACT Relating to education; adding a new section to chapter 28A.58 RCW; repealing RCW 28A.60.320; and making an appropriation.

Referred to Committee on Education.

SB 6009 by Senator Kreidler

AN ACT Relating to criminal penalties for environmental offenses; amending RCW 70.94.430, 70.105.090, and 90.48.140; adding new sections to chapter 70.94 RCW; adding new sections to chapter 70.105 RCW; adding new sections to chapter 90.48 RCW; and prescribing penalties.

Referred to Committee on Parks and Ecology.

SB 6010 by Senators Kreidler and Hansen

AN ACT Relating to the disposal of hazardous waste pesticides; adding a new section to chapter 70.105 RCW; creating new sections; and making an appropriation.

Referred to Committee on Agriculture.

SB 6011 by Senators Wojahn, Deccio, Stratton, Johnson, Bauer, Kiskaddon, Kreidler, Bailey, Tanner and Moore

AN ACT Relating to quality of care in nursing homes; amending RCW 74.46.180, 74.46.430, 74.46.460, 74.46.470, 74.46.481, 74.46.020, 18.52A.030, 18.51.060, 18.51.091, 18.51.220, 18.51.260, 74.42.580, and 74.42.600; adding new sections to chapter 18.51 RCW; adding a new section to chapter 74.46 RCW; creating new sections; prescribing penalties; and making appropriations.

Referred to Committee on Human Services and Corrections.

SB 6012 by Senators McCaslin and Tanner

AN ACT Relating to indecent exposure; and amending RCW 9A.88.010.

Referred to Committee on Judiciary.

SB 6013 by Senators Kreidler and Wojahn

AN ACT Relating to child care; adding new sections to chapter 43.63A RCW; and making appropriations.

Referred to Committee on Human Services and Corrections.

SB 6014 by Senators Wojahn, Rasmussen and DeJarnatt

AN ACT Relating to newspaper carriers; and adding a new section to chapter 49.44 RCW.

Referred to Committee on Commerce and Labor.

SB 6015 by Senator Talmadge

AN ACT Relating to offers of settlement; amending RCW 4.84.030 and 12.20.060; adding new sections to chapter 4.84 RCW; creating a new section; and repealing RCW 4.84.250, 4.84.260, 4.84.270, 4.84.280, 4.84.290, and 4.84.300.

Referred to Committee on Judiciary.

SB 6016 by Senator Peterson

AN ACT Relating to transportation revenue and taxation.

Referred to Committee on Transportation.

SB 6017 by Senator Peterson

AN ACT Relating to the sale of motor fuel.

Referred to Committee on Transportation.

SB 6018 by Senator Peterson

AN ACT Relating to marine transportation.

Referred to Committee on Transportation.

SB 6019 by Senator Peterson

AN ACT Relating to motor vehicles.

Referred to Committee on Transportation.

SB 6020 by Senator Peterson

AN ACT Relating to transportation.

Referred to Committee on Transportation.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 42 by Committee on Judiciary (originally sponsored by Representatives Sutherland, Cooper, Armstrong, Jacobsen, Baugher, Patrick, C. Smith, Chandler, Nealey, Wineberry, Betzoff, Hargrove, Todd, Lewis, Rayburn, K. Wilson, Rasmussen, Basich, Padden, Brekke, Brough, Ballard, Holm, Schoon, Winsley, L. Smith and May)

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

Referred to Committee on Judiciary.

HB 94 by Representative P. King

Enacting the new uniform fraudulent transfer act.

Referred to Committee on Judiciary.

SHB 98 by Committee on Judiciary (originally sponsored by Representatives Niemi, Padden, Crane and Dellwo) (by request of Washington State Military Department)

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

Referred to Committee on Judiciary.

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

Changing provisions relating to the sale of alcohol to minors.

Referred to Committee on Commerce and Labor.

HB 187 by Representatives McMullen, R. King, Patrick and Dellwo (by request of Board of Industrial Insurance Appeals)

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

Referred to Committee on Commerce and Labor.

SHB 353 by Committee on Agriculture and Rural Development (originally sponsored by Representatives Rayburn, Nealey, Kremen, Rasmussen and Doty) (by request of Department of Agriculture)

Modifying provisions relating to the department of agriculture.

Referred to Committee on Agriculture.

HB 379 by Representatives Chandler, Lux, Silver, Prince, Peery, Locke, Wang, P. King and Winsley (by request of Insurance Commissioner)

Regulating formation and operation of risk retention groups.

Referred to Committee on Financial Institutions.

HB 399 by Representatives Wang, R. King, Patrick, Chandler, McMullen and Winsley (by request of Joint Select Committee on Industrial Insurance and Department of Labor and Industries)

Revising provisions relating to industrial insurance premiums.

Referred to Committee on Commerce and Labor.

HB 431 by Representatives Ferguson, P. King, Holland, Heavey, Scott, Ebersole, Patrick, Haugen, Walk, Ballard, Sanders, May, J. Williams, Schmidt, Walker, Betzoff, Amondson and Miller

Exempting emergency vehicles from restrictions on television receivers and headphones.

Referred to Committee on Transportation.

HB 464 by Representatives Walker, O'Brien, Betzoff and J. Williams (by request of Department of Labor and Industries)

Eliminating provisions relating to hours of labor.

Referred to Committee on Commerce and Labor.

HB 654 by Representatives Patrick, Wang and Sayan (by request of Employment Security Department)

Changing provisions relating to experience rating for purposes of unemployment insurance contributions by employers.

Referred to Committee on Commerce and Labor.

HCR 4402 by Representatives Basich, Haugen, S. Wilson, Sutherland, Sayan, K. Wilson, Spanel, Meyers, Hargrove, P. King and Jacobsen

Establishing Pacific Fisheries Task Force.

Referred to Committee on Natural Resources.

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

#### SECOND READING

SENATE BILL NO. 5371, by Senators Fleming, Talmadge, Wojahn, McDermott, Rasmussen and Kreidler

Authorizing actions to remove discriminatory covenants from property deeds.

#### MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 5371 was substituted for Senate Bill No. 5371 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 5371 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Hayner: "Senator Talmadge, this deals with only discriminatory covenants dealing with racism and that sort of thing; we are not talking about any kind of covenants that would restrict the cost of the house, the height of the roof, the fences, the dogs, or anything of that sort?"

Senator Talmadge: "No, we are not, Senator Hayner. That was an issue that came up in the Judiciary Committee. The restrictive covenants are as defined in the law against discrimination, where there is a specific description of what is, or is not, a discriminatory covenant and it's meant to deal with issues like, 'No people of the Jewish faith shall live in this development; no people, who happen to be black, shall live in this development' and so forth."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5371.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5371 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen,

Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators Nelson, Peterson, Stratton, Zimmerman - 4.

SUBSTITUTE SENATE BILL NO. 5371, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5312, by Senators Talmadge, Pullen, Warnke, West, Vognild, von Reichbauer, Lee, Johnson, Bender, Moore, Fleming, McDermott, Halsan, Williams, Smitherman and Bauer

Providing for collective bargaining for the Washington state patrol.

#### MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 5312 was substituted for Senate Bill No. 5312 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Warnke, the rules were suspended, Substitute Senate Bill No. 5312 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5312.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5312 and the bill passed the Senate by the following vote: Yeas, 31; nays, 15; excused, 3.

Voting yea: Senators Bailey, Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McDermott, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Smitherman, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 31.

Voting nay: Senators Anderson, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Saling, Sellar - 15.

Excused: Senators Nelson, Stratton, Zimmerman - 3.

SUBSTITUTE SENATE BILL NO. 5312, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Bender, Senators Fleming and Peterson were excused.

#### SECOND READING

SENATE BILL NO. 5047, by Senators Rasmussen, Saling and Johnson

Issuing special license plates to spouses of deceased POW's.

#### MOTIONS

On motion of Senator Hansen, Substitute Senate Bill No. 5047 was substituted for Senate Bill No. 5047 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hansen, the rules were suspended, Substitute Senate Bill No. 5047 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5047.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5047 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

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

Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Taimadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators Fleming, Nelson, Peterson, Stratton, Zimmerman - 5.

SUBSTITUTE SENATE BILL NO. 5047, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5050, by Senators Vognild, Metcalf, Owen, Peterson and Rasmussen

Revising provisions relating to commercial salmon fishing.

The bill was read the second time.

#### MOTIONS

On motion of Senator Owen, the rules were suspended, Senate Bill No. 5050 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Vognild, further consideration of Senate Bill No. 5050 was deferred.

#### SECOND READING

SENATE BILL NO. 5069, by Senators Williams, Benitz and Rasmussen (by request of Utilities and Transportation Commission)

Extending period for the utilities and transportation commission to object to public service companies' budgets.

The bill was read the second time.

#### MOTION

On motion of Senator Williams, the rules were suspended, Senate Bill No. 5069 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5069.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5069 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Taimadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators Fleming, Nelson, Peterson, Stratton, Zimmerman - 5.

SENATE BILL NO. 5069, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5103, by Senators Bottiger, Johnson, Wojahn and Gaspard

Authorizing superior court commissioners to solemnize marriages.

The bill was read the second time.

#### MOTION

On motion of Senator Taimadge, the rules were suspended, Senate Bill No. 5103 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5103.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5103 and the bill passed the Senate by the following vote: Yeas, 43; nays, 2; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Talmadge, Tanner, Vognil, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Voting nay: Senators Bauer, Conner - 2.

Excused: Senators Nelson, Peterson, Stratton, Zimmerman - 4.

SENATE BILL NO. 5103, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

There being no objection, the Senate resumed consideration of Senate Bill No. 5050, deferred on third reading earlier today.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5050.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5050 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

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

Excused: Senators Peterson, Stratton, Zimmerman - 3.

SENATE BILL NO. 5050, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

## REPORT OF STANDING COMMITTEE

February 25, 1987

SB 5351 Prime Sponsor, Senator McDermott: Adopting the supplemental budget. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5351 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Deccio, Fleming, Kreidler, Moore, Rinehart, Talmadge, Vognil, Williams, Wojahn, Zimmerman.

## MOTION

On motion of Senator Vognil, the rules were suspended, Senate Bill No. 5351 was advanced to second reading and placed on the second reading calendar.

## MOTION

At 10:56 a.m. on motion of Senator Vognil, the Senate was declared to be at ease.

The Senate was called to order at 11:34 a.m. by President Cherberg.

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

## SECOND READING

SENATE BILL NO. 5104, by Senators Kreidler and Bluechel

Modifying provisions relating to money received by the parks and recreation commission.

## MOTIONS

On motion of Senator Kreidler, Substitute Senate Bill No. 5104 was substituted for Senate Bill No. 5104 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kreidler, the rules were suspended, Substitute Senate Bill No. 5104 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5104.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5104 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

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

Excused: Senators Peterson, Stratton, Zimmerman - 3.

SUBSTITUTE SENATE BILL NO. 5104, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5351, by Senators McDermott and McDonald (by request of Governor Gardner)

Adopting the supplemental budget.

## MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 5351 was substituted for Senate Bill No. 5351 and the substitute bill was placed on second reading and read the second time.

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

On page 5, line 29, strike "~~(JUDICIAL QUALIFICATIONS COMMISSION)~~" and insert "COMMISSION ON JUDICIAL CONDUCT"

## MOTION

On motion of Senator McDermott, further consideration of Substitute Senate Bill No. 5351 was deferred.

## SECOND READING

SENATE BILL NO. 5122, by Senators Owen, DeJarnatt and Stratton

Providing for a demonstration and study of salmon pen aquaculture.

## MOTION

On motion of Senator Owen, Substitute Senate Bill No. 5122 was substituted for Senate Bill No. 5122 and the substitute bill was placed on second reading and read the second time.

## MOTION

Senator Metcalf moved that the following amendment be adopted:

On page 1, line 17, after "aquaculturists" insert ": PROVIDED, That no site may be made available until all necessary permits and approvals have been obtained from local governments and state agencies with land use or shoreline management jurisdiction over the potential site"

Debate ensued.

## POINT OF INQUIRY

Senator Kiskaddon: "Senator Owen, assuming that the problems are really taken care of, would it really do any harm to doubly take care of it?"

Senator Owen: "No, except that the wording of the amendment says that, 'you can't make the site available.' In other words, what the bill does is, it requires the Department of Natural Resources to go out and identify the sites, working with local jurisdictions, that they feel are acceptable to site a pen rearing project. That's okay, but you can't get the permit until the sites have been made available to get the permit and this says, 'you can not make the site available until you get the permit', so it's a little backwards here. I am saying it's not necessary because you have to go through all the shorelines processes and environmental processes before you can site an aquaculturists project."

MOTION

On motion of Senator Metcalf, and there being no objection, further consideration of Substitute Senate Bill No. 5122 was deferred.

SECOND READING

SENATE BILL NO. 5123, by Senators Hansen, Patterson, Peterson, Conner, Saling, Benitz and Barr

Revising highway advertising controls.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 5123 was substituted for Senate Bill No. 5123 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 5123 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5123.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5123 and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

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

Absent: Senator Bluechel - 1.

Excused: Senators Peterson, Stratton, Zimmerman - 3.

SUBSTITUTE SENATE BILL NO. 5123, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5351, deferred on second reading earlier today.

MOTION

Senator Patterson moved that the following amendment be adopted:

On page 36, after line 24, insert the following:

"NEW SECTION, Sec. 402. A new section is added to chapter 6, Laws of 1985 ex. sess. to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION

General Fund Appropriation ..... \$ 3,500,000

The appropriation in this section is provided for new projects for safety and capacity improvements to streets and highways in the vicinity of the U.S. Navy homeport in Everett as a result of the arrival of the U.S.S. Nimitz in Puget Sound and the development or construction of the Everett homeport. No funds may be spent until actual construction or site preparation is started except as may be necessary to meet the requirements of federal legislation authorizing the construction of the Everett homeport.

Debate ensued.

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

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

#### ROLL CALL

The Secretary called the roll and the motion by Senator Patterson failed and the amendment was not adopted by the following vote: Yeas, 15; nays, 29; absent, 3; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Hayner, Johnson, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Saling, Sellar, von Reichbauer, Warnke, West - 15.

Voting nay: Senators Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kiskaddon, Kreidler, McDermott, McDonald, Moore, Nelson, Owen, Peterson, Rasmussen, Rinehart, Smitherman, Talmadge, Tanner, Vognild, Williams, Wojahn - 29.

Absent: Senators Bauer, Benitz, Lee - 3.

Excused: Senators Stratton, Zimmerman - 2.

#### MOTION

On motion of Senator McDermott, and there being no objection, further consideration of Substitute Senate Bill No. 5351 was deferred.

#### MOTION

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

#### SECOND READING

SENATE BILL NO. 5160, by Senators Tanner, Wojahn, Stratton, Kreidler, Vognild, Lee and Moore

Providing for the promulgation of regulations on poisons and hazardous substances.

The bill was read the second time.

#### MOTION

On motion of Senator Wojahn, the rules were suspended, Senate Bill No. 5160 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5160.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5160 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

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

Excused: Senators Benitz, Stratton, Zimmerman - 3.

SENATE BILL NO. 5160, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5351, deferred on second reading earlier today.

#### MOTION

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

On page 50, line 21, after "limitations:" insert "(1)"

On page 50, line 26, after "materials," insert

(2) Before June 30, 1987, the department of ecology shall publish a definition of "hazardous materials" and shall certify whether the materials at this site are hazardous; if not, \$85,000 of this appropriation shall revert."

Debate ensued.

#### POINT OF INQUIRY

Senator Newhouse: "Senator Bottiger, they are going to start cleaning up right away. If they load that stuff on the trucks, you mean they are going to haul it now to Arlington, Oregon?"

Senator Bottiger: "I'd have to yield to Senator Vognild or Senator Nelson. The amendment sounds to me like, if it's defined as hazardous—is that what they defined it? Then that is where it has to go and if your house burns down or my law office burns down, it sounds to me like until they do it, then that is where it has to go and that's frustrating."

Senator Newhouse: "I am very concerned about that and I hate to pass a bill that allocates money for that purpose. If they are going to be hauling fill material from Everett to Arlington, Oregon, its worse than stupid, I think."

Further debate ensued.

#### MOTION

On motion of Senator Nelson, and there being no objection, the amendments were withdrawn.

#### MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute Senate Bill No. 5351 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Bottiger: "Senator McDermott, what's in the spread sheet on page 1, under the Secretary of State, there is an appropriation of \$237,000 for advertising for a Constitutional amendment. Whenever we put something on the ballot, is that about the expense we could expect?"

Senator McDermott: "Yes, Senator Bottiger, it is. That is a fairly standard amount for a Constitutional amendment election."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5351.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5351 and the bill passed the Senate by the following vote: Yeas, 38; nays, 9; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, Moore, Nelson, Owen, Patterson, Peterson, Rasmussen, Rinehart, Smitherman, Talmadge, Tanner, Vognild, Warnke, West, Williams, Wojahn, Zimmerman - 38.

Voting nay: Senators Cantu, Craswell, McCaslin, Metcalf, Newhouse, Pullen, Saling, Sellar, von Reichbauer - 9.

Excused: Senators Benitz, Stratton - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5351, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

#### REPORTS OF STANDING COMMITTEES

February 20, 1987

SB 5232

Prime Sponsor, Senator Warnke: Modifying manner in which base years and benefit years are established for purposes of unemployment compensation. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5232 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Tanner, Vognild, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 25, 1987

SB 5264 Prime Sponsor, Senator Halsan: Establishing a disaster assistance fund. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5264 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Deccio, Fleming, Hayner, Kreidler, Moore, Owen, Saling, Talmadge, Vognild, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 25, 1987

SB 5330 Prime Sponsor, Senator Garrett: Establishing the disability accommodation revolving fund. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5330 as recommended by Committee on Commerce and Labor be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Craswell, Deccio, Fleming, Hayner, Lee, McDonald, Moore, Owen, Rasmussen, Talmadge, Vognild, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 25, 1987

SB 5404 Prime Sponsor, Senator Wojahn: Regulating care provided in the home to ill, infirm, or disabled persons. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5404 as recommended by Committee on Human Services and Corrections be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Deccio, Fleming, Kreidler, Moore, Rinehart, Talmadge, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 25, 1987

SB 5477 Prime Sponsor, Senator Gaspard: Enhancing the financing and management of the state's schools. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5477 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Smitherman, Warnke.

Referred to Committee on Ways and Means.

February 25, 1987

SB 5606 Prime Sponsor, Senator McDermott: Revising budget and accounting procedures. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5606 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Cantu, Craswell, Deccio, Fleming, Hayner, Kreidler, Lee, Moore, Rasmussen, Talmadge, Vognild, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 24, 1987

SB 5723 Prime Sponsor, Senator Sellar: Limiting the amount of state supplementation for federally provided cost-of-living adjustments for SSI recipients. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5723 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Craswell, Hayner, Kreidler, Moore, Owen, Rasmussen, Talmadge, Vognlid, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 25, 1987

SB 5885 Prime Sponsor, Senator Halsan: Gathering and disseminating information on earthquake dangers. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Talmadge, Zimmerman.

Referred to Committee on Ways and Means.

February 25, 1987

SJM 8003 Prime Sponsor, Senator Conner: Memorial to discover location of MLAs. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

#### GUBERNATORIAL APPOINTMENTS

February 26, 1987

GA 9000 EDWARD T. LUDERS, appointed April 10, 1985, for a term ending December 31, 1990, as a member of the State Parks and Recreation Commission, succeeding Durand A. Cox.  
Reported by Committee on Parks and Ecology

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kreidler, Chairman; Rinehart, Vice Chairman; Bluechel, Hansen, Kiskaddon

Passed to Committee on Rules.

February 26, 1987

GA 9001 RICHARD G. DIXON, appointed April 10, 1985, for a term ending December 31, 1988, as a member of the State Parks and Recreation Commission, succeeding Eustace "Sunny" Vynne, Jr.  
Reported by Committee on Parks and Ecology

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kreidler, Chairman; Rinehart, Vice Chairman; Bluechel, Hansen, Kiskaddon

Passed to Committee on Rules.

February 26, 1987

GA 9002 QUEENIE ALLADO, appointed April 10, 1985, for a term ending December 31, 1988, as a member of the State Parks and Recreation Commission, succeeding Jack R. Gustafson.  
Reported by Committee on Parks and Ecology

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kreidler, Chairman; Rinehart, Vice Chairman; Bluechel, Hansen, Kiskaddon

Passed to Committee on Rules.

February 26, 1987

GA 9004 JEANIE MARSDEN, appointed April 10, 1985, for a term ending December 31, 1987, as a member of the State Interagency Committee for Outdoor Recreation, succeeding Silva Bolds.  
Reported by Committee on Parks and Ecology

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kreidler, Chairman; Rinehart, Vice Chairman; Bluechel, Hansen, Kiskaddon

Passed to Committee on Rules.

February 26, 1987

GA 9008 MOYES LUCAS, appointed May 31, 1985, for a term ending December 31, 1990, as a member of the State Parks and Recreation Commission, succeeding Richard Swan.

Reported by Committee on Parks and Ecology

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kreidler, Chairman; Rinehart, Vice Chairman; Bluechel, Hansen, Kiskaddon

Passed to Committee on Rules.

#### MOTIONS

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Vognild, the Committee on Parks and Ecology was relieved of further consideration of Senate Bill No. 6010.

On motion of Senator Vognild, Senate Bill No. 6010 was referred to the Committee on Agriculture.

#### MOTION

At 12:32 p.m., on motion of Senator Vognild, the Senate adjourned until 9:30 a.m., Friday, February 27, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## FORTY-SEVENTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Friday, February 27, 1987

The Senate was called to order at 9:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bottiger, Moore, Peterson and Stratton. On motion of Senator Bender, Senators Bottiger, Peterson and Stratton were excused. On motion of Senator McDermott, Senator Moore was excused.

The Sergeant at Arms Color Guard, consisting of Pages Shawna Herring and Colby Rogers, presented the Colors. Reverend Dr. Carl Pfeil, pastor of the Emmanuel Baptist Church of Olympia, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

February 25, 1987

SB 5253 Prime Sponsor, Senator Wojahn: Changing provisions relating to displaced homemakers. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5253 as recommended by Committee on Human Services and Corrections be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Deccio, Fleming, Hayner, Kreidler, Lee, Moore, Rasmussen, Rinehart, Saling, Talmadge, Vognild, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 25, 1987

SB 5283 Prime Sponsor, Senator Hansen: Allowing the utilities and transportation commission to take action on permits after notice and opportunity for hearing. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Bailey, Barr, Bender, Conner, DeJarnatt, Garrett, Nelson, Sellar, Smitherman, West.

Passed to Committee on Rules for second reading.

February 27, 1987

SB 5383 Prime Sponsor, Senator Zimmerman: Creating the capital projects incentive program for community colleges. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5383 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Patterson, Saling.

Passed to Committee on Rules for second reading.

February 26, 1987

SB 5621 Prime Sponsor, Senator Gaspard: Authorizing the issuance of general obligation bonds for common school capital projects. Reported by Committee on Education

MAJORITY recommendation: Do pass and refer to Committee on Ways and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Patterson, Saling, Smitherman, Warnke.

Referred to Committee on Ways and Means.

February 26, 1987

SB 5642 Prime Sponsor, Senator Gaspard: Authorizing the superintendent of public instruction to receive funds for food services. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Craswell, Patterson, Saling, Smitherman, Warnke.

Passed to Committee on Rules for second reading.

February 26, 1987

SB 5678 Prime Sponsor, Senator Fleming: Authorizing nonresident fees to be waived for deaf students at community colleges. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Craswell, Saling, Smitherman, Warnke.

Passed to Committee on Rules for second reading.

February 25, 1987

SB 5744 Prime Sponsor, Senator West: Prohibiting teaching, exhibiting or demonstrating the use of firearms in civil disorders. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Bottiger, McCaslin, Moore.

Passed to Committee on Rules for second reading.

February 26, 1987

SB 5763 Prime Sponsor, Senator Stratton: Authorizing the department of fisheries to sell surplus salmon eggs. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5763 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; DeJarnatt, Vice Chairman; Barr, Craswell, McDonald, Patterson.

Passed to Committee on Rules for second reading.

February 26, 1987

SB 5834 Prime Sponsor, Senator Gaspard: Changing common school curriculum requirements to include science with an emphasis on the environment. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Saling, Warnke.

Passed to Committee on Rules for second reading.

February 26, 1987

SJM 8009 Prime Sponsor, Senator Moore: Requesting rejection of reductions in student financial aid. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Patterson, Saling, Smitherman, Warnke.

Passed to Committee on Rules for second reading.

#### GUBERNATORIAL APPOINTMENT

February 26, 1987

GA 9036 JOHN D. SWEESY, appointed June 18, 1986, for a term ending June 17, 1991, as a member of the Human Rights Commission. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Bottiger, McCaslin, Moore, Newhouse

Passed to Committee on Rules.

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

#### SECOND READING

SENATE BILL NO. 5170, by Senators Hansen, Barr, Gaspard, Bauer, Bailey, Benitz and Patterson

Changing provisions relating to agricultural fees and assessments.

#### MOTIONS

On motion of Senator Hansen, Substitute Senate Bill No. 5170 was substituted for Senate Bill No. 5170 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hansen, the rules were suspended, Substitute Senate Bill No. 5170 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Hansen, in the original bill, I don't know whether it's in the substitute or not, instructs them to spend fifty percent of the fees collected annually for testing and improvement of fruit trees. Does that go to the experimental farms for Washington State University?"

Senator Hansen: "Yes, it does."

Senator Rasmussen: "It's directed into there?"

Senator Hansen: "That's what it's for."

Senator Rasmussen: "Under the collection of fees, is that in the state treasury now to be appropriated, or where does it go?"

Senator Hansen: "No, it's supposed to go to the Department of Agriculture in their nursery tree fund."

Senator Rasmussen: "This group does not have a commission themselves, a nursery commission?"

Senator Hansen: "No, I don't believe they do."

Senator Rasmussen: "Like the apple commission and wheat commission? Okay, thank you, Senator Hansen."

#### POINT OF INQUIRY

Senator Lee: "Senator Hansen, we've had this bill back and forth between us a number of times when they first raised their fees from \$25 up to \$100 for everybody and then they discovered that there were a bunch of little folks that raised just one sort of thing--maybe they raised begonias, or cactus, or something and were swept up into this particular thing. We came back and we had a two-tiered fee and now that's being completely eliminated and we are saying a fee may be established by the Director by rule. The question I would like to ask you is, was there discussion in your committee that possibly this very special kind of procedure--the root stock, the fruit trees and so on--should be a separate category from the small nursery dealer, almost the backyard specialist who has just one sort of thing? The thing that happened to us when they raised the fee so high, made it apply to that type of nurseryman, as well as the fruit stock person that requires a lot more inspection, they just plain didn't--they were completely lost as far as the state was concerned and they quit licensing and went underground. What is to stop this from happening once again?"

Senator Hansen: "Well, the nursery people who came to us and asked for this other are the nursery dealers who are regulated by the Department of Agriculture, and the nursery dealer licenses are required and the fees for such licenses are set by statute. Retail licenses range from \$25 to \$100 based on the gross business of the sale. Wholesale licenses range from \$50 to \$100 based on the gross business sales.

The statute delineates the necessity of license if both retail and wholesale businesses are conducted on the same premises. The gross business sales are determined either by the estimate for the new licensee or the preceding year's sales for the existing license. In addition, the license fees, and annual assessments at one percent are levied on the gross sales price of the wholesale market for all of the fruit trees, fruit tree seedlings, fruit tree root stock sold within the state or shipped from the state, so I really don't think we are touching them."

Senator Lee: "Wait a minute. You're reading the background; you're reading the existing statute. The new one that we have before us today crosses out all of that--every bit of it and simply says that a fee shall be established by the Director by rule."

Senator Hansen: "Up to the limits they have authorized by statute."

Senator Lee: "But in the statute, I've got it here in front of me, that is all crossed out and it is all removed. There is nothing in here in any of the new language that shows any differential in fees between the very specialized kinds of things you are mentioning and the very vital and the need for special kinds of attention of the fruit stock."

Senator Hansen: "I think, to be honest, I can't answer the question you are asking. I think they have come in and they have captured the market on the fruit tree industry and what they are trying to do is raise their own tax to be sure they hold that market that they hold in the United States today. Your question relates to the other folks, so at this time, I can't--."

Senator Lee: "Well, Senator Hansen, would it be all right if we put this down one bill, so you and I could talk a little bit on this?"

Senator Hansen: "Sure."

#### MOTION

On motion of Senator Lee, further consideration of Substitute Senate Bill No. 5170 was deferred.

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

#### MOTION

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

#### SENATE RESOLUTION 1987-8609

by Senators Bailey, Zimmerman, Rasmussen, Fleming, Gaspard and Hansen

WHEREAS, Founded in 1930, Future Farmers of America is now composed of four-hundred and fifty thousand students across the nation--eight thousand here in the state of Washington; and

WHEREAS, Future Farmers of America, in cooperation with high school agriculture programs, is a strong force working for the future of America's agricultural needs, and is providing training and education for the technological advancements being made in the industry; and

WHEREAS, Members of the Future Farmers of America participate in outstanding programs of learning designed to develop skills in leadership, public speaking, community service, citizenship and cooperation; and

WHEREAS, The FFA motto of "Learning to do, doing to learn; earning to live, living to serve" exemplifies FFA goals;

NOW, THEREFORE, BE IT RESOLVED, By the members of the Washington State Senate that the week of February 22 through March 1 be proclaimed "Future Farmers of America Week"; and

BE IT FURTHER RESOLVED, That the Senate also urges all the citizens of Washington State to recognize the accomplishments of this important organization in the development of this states young people.

Senators Bailey, Zimmerman and Deccio spoke to the resolution.

#### INTRODUCTION OF SPECIAL GUESTS

The President introduced the following Washington State officers of the Future Farmers of America who were seated on the rostrum: President, Charles Estes; Vice

President; Paula McKillip; Secretary, Shannon Murdock; Treasurer, Cherie Wamsley; Reporter, Miranda Ruby and Sentinel, Helen Witlock.

With permission of the Senate, business was suspended to permit the FFA President to address the Senate.

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

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5122 and the pending amendment by Senator Metcalf on page 1, line 17, deferred February 26, 1987.

#### MOTIONS

On motion of Senator Metcalf, and there being no objection, the amendment was withdrawn.

Senator Metcalf moved that the following amendment be adopted:

On page 1, line 17, after "aquaculturists" insert ": PROVIDED, That the provisions of this 1987 act do not supersede any other requirements of law, specifically those relating to obtaining all necessary permits and approvals from local governments and state agencies with land use or shoreline management jurisdiction over the potential site."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Metcalf.

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

#### MOTION

Senator Metcalf moved that the following amendment be adopted:

On page 1, line 21, strike "ten" and insert "five"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Metcalf.

The motion by Senator Metcalf failed and the amendment was not adopted.

#### MOTION

On motion of Senator Owen, the rules were suspended, Engrossed Substitute Senate Bill No. 5122 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5122.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5122 and the bill passed the Senate by the following vote: Yeas, 42; nays, 3; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Zimmerman - 42.

Voting nay: Senators Metcalf, Talmadge, Wojahn - 3.

Excused: Senators Bottiger, Moore, Peterson, Stratton - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5122, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5320, by Senators Owen, Warnke, Tanner, Barr, Zimmerman and Nelson

Requiring a study of state furniture purchases.

The bill was read the second time.

## MOTION

On motion of Senator Owen, the rules were suspended, Senate Bill No. 5320 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5320.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5320 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

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

Excused: Senators Moore, Peterson, Stratton - 3.

SENATE BILL NO. 5320, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5170, deferred on third reading earlier today.

## MOTIONS

On motion of Senator Hansen, the rules were suspended, Substitute Senate Bill No. 5170 was returned to second reading and read the second time.

Senator Hansen moved that the following amendment by Senators Hansen and Lee be adopted:

On page 1, line 12, after "rule" insert ": PROVIDED, That such fee schedules adopted by the director shall be divided into two categories: (1) Fees for persons whose gross business sales do not exceed two thousand five hundred dollars; and (2) fees for persons whose gross business sales exceed two thousand five hundred dollars"

Debate ensued.

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

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

## MOTIONS

On motion of Senator Hansen, the rules were suspended, Engrossed Substitute Senate Bill No. 5170 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Cantu, Senator Hayner was excused.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5170.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5170 and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

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

Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Absent: Senator Sellar - 1.

Excused: Senators Hayner, Peterson, Stratton - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5170, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5176, by Senators Hansen, Barr, Gaspard, Bauer, Benitz, Newhouse and Bailey

Permitting designation of one polling place to serve several precincts in small irrigation districts.

MOTIONS

On motion of Senator Hansen, Substitute Senate Bill No. 5176 was substituted for Senate Bill No. 5176 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hansen, the rules were suspended, Substitute Senate Bill No. 5176 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5176.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5176 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

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

Excused: Senators Hayner, Peterson, Stratton - 3.

SUBSTITUTE SENATE BILL NO. 5176, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5194, by Senators Talmadge and Newhouse (by request of Department of Licensing)

Revising fees under the Uniform Commercial Code.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 5194 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5194.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5194 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

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

Voting nays: Senator Pullen - 1.

Excused: Senators Hayner, Peterson, Stratton - 3.

SENATE BILL NO. 5194, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5195, by Senators Moore, Bender and Metcalf (by request of Insurance Commissioner)

Revising provisions on insurance.

The bill was read the second time.

#### MOTION

On motion of Senator Moore, the rules were suspended, Senate Bill No. 5195 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5195.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5195 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

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

Excused: Senators Peterson, Stratton - 2.

SENATE BILL NO. 5195, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Zimmerman, Senator Patterson was excused.

#### SECOND READING

SENATE BILL NO. 5204, by Senator DeJarnatt

Authorizing more than one hospital superintendent.

The bill was read the second time.

#### MOTION

On motion of Senator DeJarnatt, the rules were suspended, Senate Bill No. 5204 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5204.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5204 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

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

Excused: Senators Patterson, Peterson, Stratton - 3.

SENATE BILL NO. 5204, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5325, by Senators Peterson, Conner and Patterson (by request of Department of Licensing)

Changing the requirements for information kept in drivers' case records.

The bill was read the second time.

## MOTION

On motion of Senator Hansen, the rules were suspended, Senate Bill No. 5325 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5325.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5325 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

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

Voting nay: Senator Pullen - 1.

Excused: Senators Patterson, Peterson, Stratton - 3.

SENATE BILL NO. 5325, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5412, by Senators Talmadge and Newhouse

Extending nurse/patient privilege to registered nurses carrying out treatment prescribed by osteopathic physicians.

The bill was read the second time.

## MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 5412 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5412.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5412 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

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

Excused: Senators Patterson, Peterson, Stratton - 3.

SENATE BILL NO. 5412, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5437, by Senators McDermott, Bluechel, Rinehart and McDonald

Authorizing the University of Washington to use revenue bonds to fund capital projects.

The bill was read the second time.

## MOTION

On motion of Senator Rinehart, the rules were suspended, Senate Bill No. 5437 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Pullen: "Senator McDermott, can the University of Washington now issue revenue bonds or have they issued revenue bonds in the past for any other project?"

Senator McDermott: "I am not sure of the answer to that question. I don't think they have issued revenue bonds based on the Metropolitan Tract revenue before. That has always come to the state and we've put it through the capitol budget of this state."

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5437.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5437 and the bill passed the Senate by the following vote: Yeas, 39; nays, 5; absent, 2; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, Moore, Nelson, Newhouse, Owen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Talmadge, Vognild, West, Williams, Wojahn, Zimmerman - 39.

Voting nay: Senators Craswell, McCaslin, Metcalf, Pullen, von Reichbauer - 5.

Absent: Senators Tanner, Warnke - 2.

Excused: Senators Patterson, Peterson, Stratton - 3.

SENATE BILL NO. 5437, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5475, by Senators Gaspard, West, Tanner, Rinehart, Bauer, Williams, Bender, Moore, Talmadge and Saling (by request of Governor Gardner)

Establishing the Washington fund for excellence in higher education program.

The bill was read the second time.

## MOTION

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

On page 3, line 2, after "program:" strike all material down to and including "grants" on line 4, and insert:

(6) To establish reporting and monitoring requirements for the recipients of the grants; and

(7) To provide an annual report on awards granted and programs initiated through the Washington fund for excellence in higher education to the governor and to the appropriate policy committees and ways and means committees of the legislature beginning December 1, 1988 and each December 1 thereafter for the duration of the program"

## MOTION

On motion of Senator Gaspard, the rules were suspended, Engrossed Senate Bill No. 5475 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5475.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5475 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

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

Excused: Senators Patterson, Peterson, Stratton - 3.

ENGROSSED SENATE BILL NO. 5475, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5033, by Senators Halsan and Owen

Adopting the uniform premarital agreement act.

The bill was read the second time.

#### MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 5033 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5033.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5033 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

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

Excused: Senators Patterson, Peterson, Stratton - 3.

SENATE BILL NO. 5033, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5116, by Senators Fleming, Peterson, Bauer and Moore

Qualifying cars with anti-theft devices for insurance rate reductions.

The bill was read the second time.

#### MOTION

On motion of Senator Fleming, the rules were suspended, Senate Bill No. 5116 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5116.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5116 and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent, 1; excused, 3.

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

Voting nay: Senator West - 1.

Absent: Senator Newhouse - 1.

Excused: Senators Patterson, Peterson, Stratton - 3.

SENATE BILL NO. 5116, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5124, by Senators Peterson, Conner, Patterson, DeJarnatt, Hansen and Garrett

Revising procedures for impoundment and disposition of unauthorized, abandoned, junk, and other vehicles.

## MOTIONS

On motion of Senator Hansen, Substitute Senate Bill No. 5124 was substituted for Senate Bill No. 5124 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hansen, further consideration of Substitute Senate Bill No. 5124 was deferred.

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

## REPORTS OF STANDING COMMITTEES

February 25, 1987

SB 5074 Prime Sponsor, Senator Talmadge: Revising involuntary commitment procedures. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5074 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Cantu, Deccio, Fleming, Hayner, Kreidler, Lee, McDonald, Moore, Rasmussen, Talmadge, Vogtild, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 26, 1987

SB 5132 Prime Sponsor, Senator Warnke: Requiring a long-term study of public assistance recipients. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5132 as recommended by Committee on Commerce and Labor be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Bauer, Bluechel, Kreidler, Lee, McDonald, Moore, Owen, Rasmussen, Rinehart, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1987

SB 5201 Prime Sponsor, Senator Halsan: Revising conflict of interest laws for state employees and officials. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

February 26, 1987

SB 5290 Prime Sponsor, Senator Halsan: Revising the state employee attendance incentive program. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5290 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, Pullen, Talmadge.

Referred to Committee on Ways and Means.

February 25, 1987

SB 5348 Prime Sponsor, Senator Conner: Permitting hulk haulers to verify vehicle ownership from department of licensing records. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Bailey, Barr, Bender, Conner, DeJarnatt, Garrett, Halsan, Nelson, Patterson, Sellar, Smitherman, West.

Passed to Committee on Rules for second reading.

February 25, 1987

SB 5605 Prime Sponsor, Senator Peterson: Revising procedures for proportional vehicle registration. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Tanner, Vice Chairman; Bailey, Barr, Bender, Conner, DeJarnatt, Garrett, Halsan, Nelson, Patterson, Smitherman, West.

Passed to Committee on Rules for second reading.

February 26, 1987

SB 5639 Prime Sponsor, Senator Williams: Authorizing the acquisition, rehabilitation, and sale of historic sites by the department of community development. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5639 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Lee, Sellar, Vogtild, West, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1987

SB 5788 Prime Sponsor, Senator Tanner: Revising provisions relating to reimbursement of self-insured employers' funds. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Smitherman, Vice Chairman; Anderson, Cantu, Lee, Sellar, Tanner, Vogtild, West, Williams, Wojahn.

Passed to Committee on Rules for second reading.

MOTION

At 11:29 a.m., on motion of Senator Vogtild, the Senate adjourned until 9:30 a.m., Monday, March 2, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## FIFTIETH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Monday, March 2, 1987

The Senate was called to order at 9:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Barr, Lee, McDonald, Patterson, Peterson and Tanner. On motion of Senator Bender, Senators Peterson and Tanner were excused. On motion of Senator Zimmerman, Senator Lee was excused.

The Sergeant at Arms Color Guard, consisting of Pages Aimee Stratton and Marc Stratton, presented the Colors. Reverend Phillip E. Norris, pastor of the Community Church of Lacey, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

February 26, 1987

SB 5064 Prime Sponsor, Senator Saling: Certifying radiological technologists. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5064 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Wojahn, Chairman; Deccio, Johnson, Kreidler, Tanner.

Referred to Committee on Ways and Means.

February 26, 1987

SB 5131 Prime Sponsor, Senator Warnke: Requiring annual reports on employment and economic data. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Bauer, Kreidler, Lee, Moore, Owen, Rasmussen, Rinehart, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1987

SB 5295 Prime Sponsor, Senator Warnke: Changing provisions relating to the lottery. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5295 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Fleming, Moore, Owen, Rasmussen, Talmadge, Vognild, Warnke, Williams, Wojahn.

MINORITY recommendation: Do not pass. Signed by Senators Bluechel, Cantu, Craswell, Hayner, McDonald, Zimmerman.

Passed to Committee on Rules for second reading.

February 26, 1987

SB 5402 Prime Sponsor, Senator DeJarnatt: Revising provisions on the restoration of withdrawn contributions by elected officials under PERS. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Kreidler, Lee, Owen, Rasmussen, Rinehart, Talmadge, Vognild, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1987

SB 5453 Prime Sponsor, Senator Tanner: Modifying provisions relating to respite care projects. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5453 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Wojahn, Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Tanner.

Referred to Committee on Ways and Means.

February 27, 1987

SB 5457 Prime Sponsor, Senator Bailey: Enlarging the membership of the state conservation commission. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 5457 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Chairman; Bauer, Vice Chairman; Anderson, Bailey, Barr, Gaspard.

Passed to Committee on Rules for second reading.

February 26, 1987

SB 5550 Prime Sponsor, Senator Talmadge: Revising provisions relating to sexual offenders. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Craswell, Hayner, Moore, Rasmussen, Rinehart, Saling, Talmadge, Warnke, Williams, Zimmerman.

Passed to Committee on Rules for second reading.

February 26, 1987

SB 5593 Prime Sponsor, Senator Wojahn: Establishing a pilot supplemental security income referral program. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5593 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Wojahn, Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Tanner.

Referred to Committee on Ways and Means.

February 26, 1987

SB 5634 Prime Sponsor, Senator Talmadge: Revising provisions governing crime victims compensation. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended and refer to Committee on Ways and Means. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Bottiger, McCaslin, Moore, Newhouse.

Referred to Committee on Ways and Means.

February 26, 1987

SB 5662 Prime Sponsor, Senator Gaspard: Requiring schools to solicit competitive bids or proposals when contracting for pupil transportation services. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Saling, Warnke.

Passed to Committee on Rules for second reading.

February 27, 1987

SB 5686 Prime Sponsor, Senator Hansen: Changing the tax payment schedule for agricultural property. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 5686 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Chairman; Bauer, Vice Chairman; Anderson, Bailey, Barr, Gaspard.

Passed to Committee on Rules for second reading.

February 26, 1987

SB 5720 Prime Sponsor, Senator Gaspard: Revising the authority for cooperative agreements between or among school districts. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5720 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Craswell, Patterson, Saling, Smitherman, Warnke.

Passed to Committee on Rules for second reading.

February 27, 1987

SB 5736 Prime Sponsor, Senator Moore: Prohibiting discrimination on the basis of sexual orientation. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 5736 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Fleming, McDermott.

Passed to Committee on Rules for second reading.

#### MESSAGE FROM THE HOUSE

February 27, 1987

Mr. President:

The House has passed:

HOUSE BILL NO. 1,

SUBSTITUTE HOUSE BILL NO. 198,

SUBSTITUTE HOUSE BILL NO. 264,

HOUSE BILL NO. 282,

HOUSE BILL NO. 374,

HOUSE BILL NO. 377,

HOUSE BILL NO. 378,

HOUSE BILL NO. 462,

ENGROSSED HOUSE BILL NO. 678, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### INTRODUCTION AND FIRST READING

SB 6021 by Senators Kreidler, Deccio, Stratton and Wojahn

AN ACT Relating to regional health councils; adding a new chapter to Title 70 RCW; and making an appropriation.

Referred to Committee on Ways and Means.

SB 6022 by Senator Bender

AN ACT Relating to collective bargaining for local government employees; and amending RCW 41.56.030.

Referred to Committee on Commerce and Labor.

SB 6023 by Senators Hansen, Barr, Fleming and Newhouse

AN ACT Relating to port industrial bonding; and adding a new section to chapter 53.40 RCW.

Referred to Committee on Agriculture.

SB 6024 by Senators Halsan, Barr, Benitz and Hansen

AN ACT Relating to rivers and streams in agricultural areas; and adding a new section to chapter 75.20 RCW.

Referred to Committee on Agriculture.

SB 6025 by Senator Nelson

AN ACT Relating to reservation of portions of highway for certain uses; and amending RCW 46.61.165.

Referred to Committee on Transportation.

SB 6026 by Senator Rasmussen

AN ACT Relating to spare tires; and amending RCW 46.37.425.

Referred to Committee on Transportation.

SB 6027 by Senator Peterson

AN ACT Relating to the sale of motor fuel.

Referred to Committee on Transportation.

SB 6028 by Senator Williams

AN ACT Relating to energy conservation in state facilities; amending RCW 43.19.190; adding new sections to chapter 43.21F RCW; creating new sections; repealing RCW 43.19-.668, 43.19.669, 43.19.670, 43.19.675, 43.19.680, and 43.19.685; providing an effective date; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SB 6029 by Senators Talmadge, Moore and Kiskaddon

AN ACT Relating to insurance and health care services; amending RCW 18.53.010, 18.53.140, and 69.41.010; adding a new section to chapter 18.53 RCW; and creating a new section.

Hold.

SB 6030 by Senators Gaspard and Nelson

AN ACT Relating to juveniles; amending RCW 13.32A.050 and 13.32A.060; and adding a new section to chapter 13.32A RCW.

Referred to Committee on Judiciary.

SB 6031 by Senator McDermott

AN ACT Relating to the privilege tax imposed on public utility districts; and amending RCW 54.28.010.

Referred to Committee on Ways and Means.

SB 6032 by Senator Smitherman

AN ACT Relating to state ferries; and reenacting and amending RCW 82.08.0255 and 82.12.0256.

Referred to Committee on Transportation.

SB 6033 by Senators Newhouse, Hansen, Benitz and Deccio

AN ACT Relating to the business and occupation taxation of hops; adding a new section to chapter 82.04 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6034 by Senator Lee

AN ACT Relating to vehicle casualty insurance; and amending RCW 48.22.030.

Referred to Committee on Financial Institutions.

SB 6035 by Senators Kreidler and Warnke

AN ACT Relating to bilingual services; and adding a new section to chapter 50.12 RCW.

Referred to Committee on Commerce and Labor.

SB 6036 by Senators Williams, Garrett and Owen

AN ACT Relating to a new hydroelectric development study; creating new sections; and making an appropriation.

Referred to Committee on Energy and Utilities.

SB 6037 by Senators Nelson and Talmadge

AN ACT Relating to parenting; amending RCW 26.09.010, 26.09.040, 26.09.050, 26.09-.070, 26.09.110, 26.09.160, 26.09.210, 26.09.220, 26.09.240, 26.09.260, 26.09.280, 26.09.255, 9A.40.060, 9A.40.070, 26.50.060, and 26.26.130; adding new sections to chapter 26.09 RCW; adding a new chapter in Title 26 RCW; creating new sections; repealing RCW 26.09.180,

26.09.190, 26.09.200, 26.09.230, and 26.09.250; prescribing penalties; and providing an effective date.

Referred to Committee on Judiciary.

**SB 6038** by Senators Wojahn, Kiskaddon, Kreidler, Deccio and Tanner

AN ACT Relating to the dispensing of legend drugs by kidney dialysis centers; adding a new section to chapter 18.64 RCW; and adding a new section to chapter 69.41 RCW.

Referred to Committee on Human Services and Corrections.

**SB 6039** by Senator Hansen

AN ACT Relating to the election of nonpartisan state officials; and amending RCW 29.21.150.

Referred to Committee on Governmental Operations.

**SJM 8015** by Senators Bottiger and Johnson

Requesting the opening of the Arctic National Wildlife Refuge Coastal Plain to oil and gas exploration.

Referred to Committee on Energy and Utilities.

**SJM 8016** by Senator Hansen

Requesting the strengthening of the Farm Credit System to assist Washington farmers.

Referred to Committee on Agriculture.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

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

Exempting seedlings and plantation Christmas trees from excise tax.

Referred to Committee on Ways and Means.

**SHB 198** by Committee on Ways and Means/Revenue (originally sponsored by Representatives Sayan and Madsen) (by request of Department of Revenue)

Providing for retail sales tax trust fund accountability.

Referred to Committee on Ways and Means.

**SHB 264** by Committee on Environmental Affairs (originally sponsored by Representatives Sprenkle, May, D. Sommers, Ferguson, Valle, Lux, Allen, Rust, Walker, Brekke, Moyer, Brooks, Bumgarner, Dellwo, Brough, and Winsley)

Prohibiting use of tobacco products in health care facilities.

Referred to Committee on Human Services and Corrections.

**HB 282** by Representatives Appelwick and R. King (by request of Department of Revenue)

Exempting purchases with food coupons from sales and use tax.

Referred to Committee on Ways and Means.

**HB 374** by Representatives Rasmussen, Rayburn, McLean, Todd, Madsen, Holm, Grant, Vekich, Bristow, Pruitt, Moyer, Walker, Baugher, Nealey, Spanel, P. King, Jesernig and Doty

Authorizing the director of agriculture to regulate the sale, distribution and use of veterinary biologics.

Referred to Committee on Agriculture.

HB 377 by Representatives Hankins, Walk and H. Sommers (by request of Office of Financial Management)

Renaming the deferred compensation revolving fund.

Referred to Committee on Ways and Means.

HB 378 by Representatives Hankins, Walk and H. Sommers (by request of Office of Financial Management)

Renaming the state employees' insurance board revolving fund.

Referred to Committee on Ways and Means.

HB 462 by Representatives Cantwell, Sprengle, Braddock and Wang (by request of Department of Labor and Industries)

Changing provisions relating to industrial insurance payments and penalties.

Referred to Committee on Commerce and Labor.

EHB 678 by Representatives Pruitt, D. Sommers and Wang (by request of Department of Labor and Industries)

Revising provisions relating to the right-to-know advisory council.

Referred to Committee on Parks and Ecology.

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

#### SECOND READING

SENATE BILL NO. 5500, by Senators Talmadge, Hayner, Lee and Rasmussen

Relating to the fixing of fair value for homestead property for foreclosure.

The bill was read the second time.

#### MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 5500 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5500.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5500 and the bill passed the Senate by the following vote: Yeas, 43; absent, 3; excused, 3.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, Metcalf, Moore, Nelson, Newhouse, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 43.

Absent: Senators Barr, McDonald, Patterson - 3.

Excused: Senators Lee, Peterson, Tanner - 3.

SENATE BILL NO. 5500, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

#### MOTION

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

#### SENATE RESOLUTION 1987-8618

by Senators Anderson, Rasmussen, Conner, Kiskaddon and Metcalf

WHEREAS, Our nation and state owe a continuing debt of gratitude to those who have served their country in past wars and conflicts; and

WHEREAS, These men and women, who through their service, have brought honor to our country and the state of Washington and have endowed us with a sense of pride; and

WHEREAS, It seems only fitting that a memorial be erected to honor this state's veterans from all past and present conflicts, honoring not only those who have served and died, but also those who are still living; and

WHEREAS, It is in the interest of the citizens of the state of Washington to promote the education of the public about veterans' participation in these wars and conflicts; and

WHEREAS, The Washington Statewide Veterans Memorial Foundation has set out to construct the Washington Statewide Veterans Memorial, in Riverside Park, Everson, Washington, which will contain a museum, and which will operate a coordinating center for veterans' affairs, military information and history, community education, and an outreach to interested individuals and organizations; and

WHEREAS, The Washington Statewide Veterans Memorial Foundation hopes to also establish a traveling museum designed to educate individuals and local communities statewide about state veterans' participation in wars and conflicts;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington encourages and commends the efforts of the Washington Statewide Veterans Memorial Foundation to build and establish the Washington Statewide Veterans Memorial, which will serve not only to honor our state's veterans of past and present, but will also serve to educate the public about veterans' affairs and the history of their distinguished service to our country; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit copies of this resolution to the Washington Statewide Veterans Memorial Foundation, in Everson, Washington.

Senators Anderson and Vognild spoke to the resolution.

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

#### MOTION

On motion of Senator Zimmerman, Senator Barr was excused.

#### SECOND READING

SENATE BILL NO. 5206, by Senator Talmadge

Authorizing additional superior court judges.

#### MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 5206 was substituted for Senate Bill No. 5206 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 5206 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5206.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5206 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

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

Excused: Senators Barr, Lee, Peterson, Tanner - 4.

SUBSTITUTE SENATE BILL NO. 5206, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5222, by Senators Tanner, Bauer, Stratton and Smitherman  
Establishing procedures for designating ports of entry for radioactive waste.

## MOTIONS

On motion of Senator Williams, Substitute Senate Bill No. 5222 was substituted for Senate Bill No. 5222 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Williams, the following amendment by Senators Williams and Tanner was adopted:

On page 1, line 9, after "be" strike "approved by concurrent resolution of" and insert "authorized by"

On motion of Senator Williams, the following amendment by Senators Williams and Tanner was adopted:

On page 1, line 10, after "legislature," insert "This section shall expire when both the Washington state legislature and at least one other eligible state enact an interstate agreement on radioactive materials transportation management."

## MOTION

On motion of Senator Williams, the rules were suspended, Engrossed Substitute Senate Bill No. 5222 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Bottiger: "Senator Williams, because of federal treaty obligations with countries to return their nuclear spent rods to this country, would this legislation affect entry by marine transportation?"

Senator Williams: "No, Senator Bottiger. We specifically modified the original bill to have it apply only to the highway routing and exclude ports in this."

Further debate ensued.

## MOTION

On motion of Senator Vognild, further consideration of Engrossed Substitute Senate Bill No. 5222 was deferred.

## SECOND READING

SENATE BILL NO. 5249, by Senators Talmadge and Bottiger  
Clarifying payment of court filing fees.

## MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 5249 was substituted for Senate Bill No. 5249 and the substitute bill was placed on second reading and read the second time.

Senator Pullen moved that the following amendment be adopted:

After "of" delete "~~(twenty)~~ twenty-five" and insert "twenty"

Debate ensued.

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Pullen

## ROLL CALL

The Secretary called the roll and the motion by Senator Pullen failed and the amendment was not adopted by the following vote: Yeas, 15; nays, 31; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Cantu, Craswell, Deccio, Hansen, Johnson, Kiskaddon, McDonald, Metcalf, Pullen, Saling, von Reichbauer - 15.

Voting nay: Senators Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hayner, Kreidler, McCaslin, McDermott, Moore, Nelson, Newhouse, Owen, Patterson, Rasmussen, Rinehart, Sellar, Smitherman, Stratton, Talmadge, Vognild, Warnke, West, Williams, Wojahn, Zimmerman - 31.

Excused: Senators Lee, Peterson, Tanner - 3.

## MOTION

Senator Pullen moved that the following amendment be adopted:

On page 2, line 5, after "than" delete "two" and insert "five"

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

The motion by Senator Pullen failed and the amendment was not adopted.

## MOTION

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 5249 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5249.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5249 and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

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

Absent: Senator Metcalf - 1.

Excused: Senators Lee, Peterson, Tanner - 3.

SUBSTITUTE SENATE BILL NO. 5249, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5343, by Senators Halsan, Tanner, Smitherman, Vognild, Warnke, Deccio and Newhouse

Eliminating department discretion in authorizing release of relevant medical information concerning industrial insurance claimants.

The bill was read the second time.

## MOTION

On motion of Senator Warnke, the rules were suspended, Senate Bill No. 5343 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5343.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5343 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

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

Excused: Senators Lee, Peterson, Tanner - 3.

SENATE BILL NO. 5343, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5364, by Senators Gaspard, von Reichbauer and Johnson

Changing name of state boxing commission to state athletic commission.

## MOTIONS

On motion of Senator Halsan, Substitute Senate Bill No. 5364 was substituted for Senate Bill No. 5364 and the substitute bill was placed on second reading and read the second time.

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

On page 2, line 26, after "shall" insert "submit a sworn"  
On page 2, line 28, after "a" insert "sworn"

On motion of Senator Halsan, the rules were suspended, Engrossed Substitute Senate Bill No. 5364 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5364.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5364 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

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

Excused: Senators Lee, Peterson, Tanner - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5364, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Zimmerman, Senator McCaslin was excused.

## SECOND READING

SENATE BILL NO. 5444, by Senators Moore, Metcalf, Vognild, Pullen, Conner, von Reichbauer, Bender, Barr, Talmadge, Deccio, Johnson, Garrett, Owen, Rasmussen, West, Smitherman, Patterson, Craswell, Tanner, Nelson, Bailey, Bauer, Zimmerman, Hayner and Sellar

Challenging the delegation of authority to create money.

The bill was read the second time.

## MOTION

On motion of Senator Moore, the rules were suspended, Senate Bill No. 5444 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5444.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5444 and the bill passed the Senate by the following vote: Yeas, 36; nays, 9; absent, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, McDermott, Metcalf, Moore, Nelson, Owen, Patterson, Pullen, Rasmussen, Rinehart, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 36.

Voting nay: Senators Bluechel, Bottiger, DeJarnatt, Fleming, Kreidler, McDonald, Newhouse, Saling, West - 9.

Absent: Senator Deccio - 1.

Excused: Senators Lee, McCaslin, Peterson - 3.

SENATE BILL NO. 5444, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Vognild, Senate advanced to the seventh order of business.

There being no objection, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 5222, deferred on third reading earlier today.

#### POINT OF INQUIRY

Senator Benitz: "Senator Williams, is it your understanding that Senate Bill No. 5222 deals only with highway ports of entry and does not limit entry of radioactive waste by other means such as rail or barge?"

Senator Williams: "Senator Benitz, that's my understanding, yes."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5222.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5222 and the bill passed the Senate by the following vote: Yeas, 26; nays, 21; absent, 1; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kiskaddon, Kreidler, McDermott, Moore, Owen, Peterson, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 26.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, McCaslin, McDonald, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, von Reichbauer, West, Zimmerman - 21.

Absent: Senator Metcalf - 1.

Excused: Senator Lee - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5222, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5081, by Senators Bluechel, Bottiger and Conner

Reestablishing the winter recreation commission.

#### MOTIONS

On motion of Senator Bluechel, Substitute Senate Bill No. 5081 was substituted for Senate Bill No. 5081 and the substitute bill was placed on second reading and read the second time.

Senator Warnke moved that the following amendment be adopted:

On page 2, line 24, after "access." strike all of subsections (2), (3) and (4) and renumber the remaining subsections accordingly.

Debate ensued.

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

The motion by Senator Warnke failed and the amendment was not adopted.

#### MOTION

Senator Warnke moved that the following amendment be adopted:

On page 3, line 16, after "commission." strike all of the language down to and including "purpose." on line 18.

Renumber the remaining sections accordingly.

Debate ensued.

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

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

## MOTION

Senator Talmadge moved that the following amendment be adopted:

On page 3, after line 23, insert a new section as follows:

"NEW SECTION. Sec. 5. Any principals in any corporation or any other entity which are involved in the development of existing or new winter recreation areas shall file a statement of financial affairs pursuant to RCW 42.17.241."

Renumber the remaining sections accordingly.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Talmadge.

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

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

## ROLL CALL

The Secretary called the roll and the motion by Senator Talmadge failed and the amendment was not adopted by the following vote: Yeas, 15; nays, 32; absent, 1; excused, 1.

Voting yea: Senators Bauer, Bender, Conner, Fleming, Gaspard, Halsan, Hansen, McDermott, Moore, Rasmussen, Talmadge, Tanner, Warnke, Williams, Wojahn - 15.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Garrett, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Saling, Sellar, Smitherman, Stratton, Vognilid, von Reichbauer, West, Zimmerman - 32.

Absent: Senator Rinehart - 1.

Excused: Senator Lee - 1.

## MOTION

On motion of Senator Kreidler, the rules were suspended, Engrossed Substitute Senate Bill No. 5081 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5081.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5081 and the bill passed the Senate by the following vote: Yeas, 39; nays, 8; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Stratton, Tanner, Vognilid, West, Williams, Wojahn, Zimmerman - 39.

Voting nay: Senators Barr, Bauer, Bender, McDermott, Moore, Talmadge, von Reichbauer, Warnke - 8.

Absent: Senator Rinehart - 1.

Excused: Senator Lee - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5081, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

## MESSAGES FROM THE HOUSE

March 2, 1987

Mr. President:

The Speaker has signed:

HOUSE JOINT MEMORIAL NO. 4000, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 2, 1987

Mr. President:  
The Speaker has signed:  
HOUSE CONCURRENT RESOLUTION NO. 4404, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
HOUSE JOINT MEMORIAL NO. 4000,  
HOUSE CONCURRENT RESOLUTION NO. 4404.

## MOTION

At 11:33 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 11:53 a.m. by President Cherberg.  
There being no objection, the President advanced the Senate to the sixth order of business.

## SECOND READING

SENATE BILL NO. 5483, by Senators Patterson and Metcalf

Authorizing certain leaves of absence to be credited toward higher education retirement benefits.

The bill was read the second time.

## MOTION

On motion of Senator Vognild, the rules were suspended, Senate Bill No. 5483 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5483.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5483 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator Lee - 1.

SENATE BILL NO. 5483, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

## REPORTS OF STANDING COMMITTEES

February 26, 1987

SB 5280 Prime Sponsor, Senator Tanner: Changing procedures relating to appeals of orders of the department of labor and industries. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5280 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Anderson, Lee, Vognild, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 16, 1987

SB 5346 Prime Sponsor, Senator Rasmussen: Affording exhibitors a fair opportunity to bid for motion pictures released in their state. Reported by Committee on Rules

MAJORITY recommendation: Refer to Committee on Commerce and Labor. Signed by John A. Cherberg, Chairman; Senators Bender, Bottiger, Conner, Fleming, Garrett, Sellar, Vognild.

Referred to Committee on Commerce and Labor.

February 27, 1987

SB 5375 Prime Sponsor, Senator Warnke: Creating the mobile homes, commercial coaches, recreational vehicles, and factory built housing and commercial structures account. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5375 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Lee, Sellar, Tanner, Vognild, West, Williams.

Passed to Committee on Rules for second reading.

February 27, 1987

SB 5510 Prime Sponsor, Senator Warnke: Modifying provisions relating to real estate licenses. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5510 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Lee, Sellar, Tanner, Vognild, West, Williams.

Passed to Committee on Rules for second reading.

February 26, 1987

SB 5581 Prime Sponsor, Senator Moore: Revising provisions relating to licensed beer retailers. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5581 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Lee, Sellar, Vognild, West, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 27, 1987

SB 5831 Prime Sponsor, Senator Wojahn: Improving regulatory fairness toward small businesses. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Cantu, Lee, Sellar, Tanner, Vognild, West, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 25, 1987

SB 5850 Prime Sponsor, Senator Tanner: Revising certain traffic infractions and administrative penalties. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5850 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Tanner, Vice Chairman; Bailey, Barr, Conner, DeJarnatt, Garrett, Halsan, Johnson, Patterson, Sellar, von Reichbauer, West.

MINORITY recommendation: That the bill not be substituted. Signed by Senator Bender.

Passed to Committee on Rules for second reading.

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

## MOTION

On motion of Senator Vognild, and there being no objection, Senate Bill No. 6029 which was read in under Introduction and First Reading earlier today, was ordered held on the desk.

## MOTION

At 12:04 p.m., on motion of Senator Vognild, the Senate adjourned until 12:00 noon, Tuesday, March 3, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## FIFTY-FIRST DAY

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### NOON SESSION

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Senate Chamber, Olympia, Tuesday, March 3, 1987

The Senate was called to order at 12:00 noon by President Cherberg. No roll call was taken.

The Sergeant at Arms Color Guard, consisting of Kim Smith and Brock Kleweno, presented the Colors. Reverend Phillip E. Norris, pastor of the Community Church of Lacey, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

March 2, 1987

SB 5026 Prime Sponsor, Senator Talmadge: Establishing a department of justice. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5026 be substituted therefor, and the substitute bill do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Talmadge.

Passed to Committee on Rules for second reading.

February 27, 1987

SB 5086 Prime Sponsor, Senator Halsan: Revising provisions on community supervision. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5086 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Moore, Nelson, Newhouse.

Referred to Committee on Ways and Means.

March 2, 1987

SB 5155 Prime Sponsor, Senator Bluechel: Compensating school districts for financial losses due to the transfer or annexation of territory. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5155 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Craswell, Warnke.

Passed to Committee on Rules for second reading.

March 2, 1987

SB 5217 Prime Sponsor, Senator Wojahn: Establishing wellness program for state employees. Reported by Committee on Rules

MAJORITY recommendation: Refer to Committee on Ways and Means. Signed by John A. Cherberg, Chairman; Senators Rasmussen, Vice Chairman; Bauer, Bender, Benitz, Bottiger, Conner, Fleming, Garrett, Hayner, Newhouse, Sellar, Vognild, Zimmerman.

Referred to Committee on Ways and Means.

March 2, 1987

SB 5221 Prime Sponsor, Senator Tanner: Designating the state folk song. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, Talmadge.

Passed to Committee on Rules for second reading.

March 2, 1987

SB 5366 Prime Sponsor, Senator Halsan: Revising various boards and commissions. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5366 be substituted therefor, and the substitute bill do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, Talmadge.

Passed to Committee on Rules for second reading.

February 27, 1987

SB 5390 Prime Sponsor, Senator Warnke: Relating to class I liquor licenses. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Cantu, Lee, Sellar, Tanner, Vognild, West, Williams.

Passed to Committee on Rules for second reading.

March 2, 1987

SB 5459 Prime Sponsor, Senator Fleming: Requiring affirmative action plans for certain state contractors. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5459 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, Talmadge.

Referred to Committee on Ways and Means.

March 2, 1987

SB 5463 Prime Sponsor, Senator Fleming: Establishing a program to increase students' awareness of other nations. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended and refer to Committee on Ways and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Smitherman, Warnke.

Referred to Committee on Ways and Means.

March 2, 1987

SB 5529 Prime Sponsor, Senator Fleming: Providing for certification of minority and women-owned and controlled business enterprises. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

February 27, 1987

SB 5530 Prime Sponsor, Senator Fleming: Expanding the duties of the office of small business. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5530 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Sellar, Vognild, West, Williams.

Referred to Committee on Ways and Means.

March 2, 1987

SB 5540 Prime Sponsor, Senator Wojahn: Providing protection for Indian children. Reported by Committee on Rules

MAJORITY recommendation: Refer to Committee on Ways and Means. Signed by John A. Cherberg, Chairman; Senators Rasmussen, Vice Chairman; Bauer, Bender, Benitz, Bottiger, Conner, Fleming, Garrett, Hayner, Newhouse, Sellar, Vognild, Zimmerman.

Referred to Committee on Ways and Means.

February 27, 1987

SB 5545 Prime Sponsor, Senator Halsan: Revising provisions relating to criminal sentencing. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5545 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Moore, Nelson, Newhouse.

Referred to Committee on Ways and Means.

March 2, 1987

SB 5560 Prime Sponsor, Senator Talmadge: Prohibiting false political advertising. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, Talmadge.

Passed to Committee on Rules for second reading.

February 27, 1987

SB 5597 Prime Sponsor, Senator Vognild: Establishing minimum bond for cosmetology schools. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Cantu, Lee, Tanner, Vognild, West.

Passed to Committee on Rules for second reading.

March 2, 1987

SB 5654 Prime Sponsor, Senator Talmadge: Revising provisions relating to criminal sentencing. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5654 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Nelson, Newhouse.

Referred to Committee on Ways and Means.

March 2, 1987

SB 5693 Prime Sponsor, Senator Vognild: Insuring employees adequate time to vote. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, Talmadge.

Passed to Committee on Rules for second reading.

March 2, 1987

SB 5710 Prime Sponsor, Senator Tanner: Prohibiting the sale of sawed-off shotguns and rifles. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5710 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

February 27, 1987

SB 5766 Prime Sponsor, Senator Smitherman: Establishing a mobile home park purchase fund. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Tanner, Vognild, West, Williams.

Referred to Committee on Ways and Means.

February 27, 1987

SB 5767 Prime Sponsor, Senator Warnke: Creating an office of mobile home affairs. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5767 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Tanner, Vognlid, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 2, 1987

SB 5821 Prime Sponsor, Senator Rinehart: Continuing reciprocal tuition and fee programs. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Craswell, Saling, Smitherman, Warnke.

Passed to Committee on Rules for second reading.

March 2, 1987

SB 5822 Prime Sponsor, Senator Garrett: Revising short plat regulations. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Zimmerman.

Passed to Committee on Rules for second reading.

March 2, 1987

SB 5835 Prime Sponsor, Senator Wojahn: Including a physician's assistant on the state board of medical examiners. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5835 be substituted therefor, and the substitute bill do pass. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Tanner.

Passed to Committee on Rules for second reading.

February 27, 1987

SB 5843 Prime Sponsor, Senator Moore: Imposing an insurance premium tax for purposes of traffic safety programs. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass and refer to Committee on Ways and Means. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Fleming, McDermott, Metcalf, Pullen, von Reichbauer.

Referred to Committee on Ways and Means.

February 27, 1987

SB 5869 Prime Sponsor, Senator Williams: Prohibiting the possession and use of electric weapons by the general public. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Moore, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

February 27, 1987

SB 5849 Prime Sponsor, Senator Bottiger: Requiring a notice of insurance cancellation be sent to agent or broker who procured the policy. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 5849 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman;

Bender, Vice Chairman; Bottiger, Fleming, McDermott, Metcalf, Pullen, von Reichbauer.

Passed to Committee on Rules for second reading.

SB 6012 Prime Sponsor, Senator McCaslin: Revising provisions relating to indecent exposure. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Moore, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

#### GUBERNATORIAL APPOINTMENTS

March 3, 1987

GA 9045 GLENNA S. HALL, appointed July 31, 1986, for a term ending December 31, 1990, as a member of the State Parks and Recreation Commission.  
Reported by Committee on Parks and Ecology

MAJORITY recommendation: That said appointment be confirmed Signed by Senators Kreidler, Chairman; Rinehart, Vice Chairman; Bluechel, Hansen, Kiskaddon

Passed to Committee on Rules.

March 3, 1987

GA 9100 JOHN L. SHREVE, appointed January 27, 1987, for a term ending December 31, 1992, as a member of the State Parks and Recreation Commission.  
Reported by Committee on Parks and Ecology

MAJORITY recommendation: That said appointment be confirmed Signed by Senators Kreidler, Chairman; Rinehart, Vice Chairman; Bluechel, Hansen, Kiskaddon

Passed to Committee on Rules.

March 3, 1987

GA 9101 MELVIN D. WORTMAN, appointed January 27, 1987, for a term ending December 31, 1992, as a member of the State Parks and Recreation Commission.  
Reported by Committee on Parks and Ecology

MAJORITY recommendation: That said appointment be confirmed Signed by Senators Kreidler, Chairman; Rinehart, Vice Chairman; Bluechel, Hansen, Kiskaddon

Passed to Committee on Rules.

#### MESSAGE FROM THE HOUSE

March 2, 1987

MR. PRESIDENT:

The House has passed:  
 SUBSTITUTE HOUSE BILL NO. 15,  
 ENGROSSED HOUSE BILL NO. 39,  
 HOUSE BILL NO. 44,  
 SUBSTITUTE HOUSE BILL NO. 60,  
 SUBSTITUTE HOUSE BILL NO. 63,  
 HOUSE BILL NO. 64,  
 HOUSE BILL NO. 96,  
 SUBSTITUTE HOUSE BILL NO. 140,  
 HOUSE BILL NO. 142,  
 SUBSTITUTE HOUSE BILL NO. 170,  
 HOUSE BILL NO. 171,  
 HOUSE BILL NO. 197,  
 HOUSE BILL NO. 199.

HOUSE BILL NO. 200,  
 HOUSE BILL NO. 203,  
 HOUSE BILL NO. 204,  
 HOUSE BILL NO. 205,  
 SUBSTITUTE HOUSE BILL NO. 208,  
 HOUSE BILL NO. 209,  
 SUBSTITUTE HOUSE BILL NO. 231, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### INTRODUCTION AND FIRST READING

SB 6040 by Senators Halsan, Zimmerman, Garrett and McCaslin

AN ACT Relating to the audit services revolving fund; amending RCW 43.09.412 and 43.09.416; and repealing RCW 43.09.320.

Referred to Committee on Governmental Operations.

SB 6041 by Senators Talmadge and Newhouse

AN ACT Relating to industrial insurance; and adding a new section to chapter 51.24 RCW.

Referred to Committee on Commerce and Labor.

SB 6042 by Senator Warnke

AN ACT Relating to offenders performing community services; and amending RCW 51.12.045.

Referred to Committee on Commerce and Labor.

SB 6043 by Senator Smitherman

AN ACT Relating to moorage facilities at ports; and adding a new section to chapter 53.08 RCW.

Referred to Committee on Natural Resources.

SB 6044 by Senator Warnke

AN ACT Relating to economic development.

Referred to Committee on Commerce and Labor.

SB 6045 by Senator Warnke

AN ACT Relating to housing trust funds.

Referred to Committee on Commerce and Labor.

SB 6046 by Senator Warnke

AN ACT Relating to automobile warranties.

Referred to Committee on Commerce and Labor.

SB 6047 by Senator Moore

AN ACT Relating to the George F. Yantis interpretive center and grounds; creating a new section; and making an appropriation.

Referred to Committee on Governmental Operations.

SB 6048 by Senators Talmadge, Nelson, Newhouse, McCaslin, Moore and Bottiger

AN ACT Relating to mandatory arbitration; frivolous lawsuits; release of patients in the mental health system; immunity for elected and appointed officials, volunteer emergency personnel, corporate directors, design professionals, nonprofit corporations, and hospitals; studies on excess insurance, settlement conferences, examination of jurors, appellate evaluation conferences, discovery conferences, and offers of settlement; consortium; limitation of actions involving felonies and intoxication; statute of limitations on health care; physician-patient privilege waiver; attorneys' fees; and workers' compensation liens; amending RCW 7.06.020, 7.06.040, 4.84.185, 71.05.120, 4.24.310, 18.71.210, 23A.12-.020, 23A.08.025, 24.03.025, 23.86.050, 24.32.070, 23.86.030, 24.32.020, 24.06.025, 24.06.035, 23A.04.010, 4.22.020, 4.24.420, 5.40.060, 4.24.264, 7.70.090, 4.16.350, 5.60.060, 4.24.005, and 51.24.030; adding a new section to chapter 4.24 RCW; adding a new section to chapter

51.24 RCW; creating new sections; repealing RCW 4.24.268 and 4.96.040; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

SB 6049 by Senators West and Deccio

AN ACT Relating to electricians and electrical installations; amending RCW 19.28.120 and 19.28.510; and adding a new section to chapter 19.28 RCW.

Referred to Committee on Commerce and Labor.

SB 6050 by Senator Warnke

AN ACT Relating to the establishment of a business and job retention program; adding a new chapter to Title 43 RCW; adding a new section to chapter 42.17 RCW; and making an appropriation.

Referred to Committee on Commerce and Labor.

SB 6051 by Senators Stratton, Deccio, Newhouse and Anderson

AN ACT Relating to use of funds from the water quality account; and amending RCW 70.146.060 and 70.146.030.

Referred to Committee on Ways and Means.

SB 6052 by Senator Warnke

AN ACT Relating to employment excluded from industrial insurance; and amending RCW 51.12.020.

Referred to Committee on Commerce and Labor.

SB 6053 by Senators Gaspard and Bauer

AN ACT Relating to educational service districts; and amending RCW 28A.21.090 and 28A.21.310.

Referred to Committee on Education.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 15 by Committee on Environmental Affairs (originally sponsored by Representatives Rust, Allen, Valle, Unsoeld, Brekke, Lux, Pruitt, Jacobsen and Heavey)

Requiring hazardous waste management priorities to be followed.

Referred to Committee on Parks and Ecology.

EHB 39 by Representatives Haugen, Zellinsky and P. King

Changing provisions related to special districts.

Referred to Committee on Governmental Operations.

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

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

Referred to Committee on Ways and Means.

SHB 60 by Committee on Natural Resources (originally sponsored by Representatives Haugen, Basich, S. Wilson and P. King)

Establishing processor liens for commercial fishermen.

Referred to Committee on Natural Resources.

SHB 63 by Committee on Local Government (originally sponsored by Representatives Unsoeld, Haugen, Cooper, Madsen, Nutley, Belcher and May)

Revising provisions on lake management districts.

Referred to Committee on Parks and Ecology.

HB 64 by Representatives Lux, Chandler and P. King

Exempting certain surety bonds from requirements for cancellation or nonrenewal of insurance policies.

Referred to Committee on Financial Institutions.

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

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

Referred to Committee on Ways and Means.

SHB 140 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Lux, P. King, Nutley, Holland and Ferguson) (by request of Insurance Commissioner)

Providing civil immunity for certain actions relating to insurance.

Referred to Committee on Financial Institutions.

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

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

Referred to Committee on Judiciary.

SHB 170 by Committee on Natural Resources (originally sponsored by Representatives Meyers, Sutherland, S. Wilson, Haugen, Amondson, Cole, Basich, Belcher, Dellwo, McMullen, Appelwick, Fisch, Heavey, Ballard, Locke, R. King, Jesernig, P. King and Hine)

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

Referred to Committee on Natural Resources.

HB 171 by Representatives Sayan, Jacobsen, Grant, Sprenkle, Todd and Basich

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

Referred to Committee on Education.

HB 197 by Representatives Madsen, Taylor, Sprenkle, Holland, Sayan and Winsley (by request of Department of Revenue)

Clarifying adjustments in the state property tax levy.

Referred to Committee on Ways and Means.

HB 199 by Representatives Sayan, Taylor, Sprenkle and Holland (by request of Department of Revenue)

Modifying timber excise tax administrative provisions.

Referred to Committee on Ways and Means.

HB 200 by Representative Madsen (by request of Department of Revenue)

Clarifying the public utility tax on sewerage collection businesses.

Referred to Committee on Ways and Means.

HB 203 by Representative Madsen (by request of Department of Revenue)

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

Referred to Committee on Ways and Means.

HB 204 by Representatives Sprengle, Taylor, Sayan and Holland (by request of Department of Revenue)

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

Referred to Committee on Ways and Means.

HB 205 by Representative Madsen (by request of Department of Revenue)

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

Referred to Committee on Ways and Means.

SHB 208 by Committee on Ways and Means/Revenue (originally sponsored by Representatives Appelwick, Taylor, Sprengle, Holland and Sayan) (by request of Department of Revenue)

Modifying conveyance tax collection procedures.

Referred to Committee on Ways and Means.

HB 209 by Representatives Appelwick, Taylor, Sayan and Holland (by request of Department of Revenue)

Expanding enforcement provisions on cigarette taxes.

Referred to Committee on Ways and Means.

SHB 231 by Committee on Agriculture and Rural Development (originally sponsored by Representatives Rayburn, Nealey and Todd) (by request of Department of Ecology)

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

Referred to Committee on Agriculture.

#### MOTION

At 12:10 p.m., on motion of Senator Vognild, the Senate adjourned until 9:30 a.m., Wednesday, March 4, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

**FIFTY-SECOND DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Wednesday, March 4, 1987

The Senate was called to order at 9:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Peterson and Rinehart. On motion of Senator Bender, Senators Peterson and Rinehart were excused.

The Sergeant at Arms Color Guard, consisting of Pages Sheila Daniel and Gwyer Schuyler, presented the Colors. Reverend Phillip E. Norris, pastor of the Community Church of Lacey, offered the prayer.

**MOTION**

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

**MESSAGE FROM THE GOVERNOR**

March 3, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on March 3, 1987, Governor Gardner approved the following Senate Bill entitled:

Senate Bill No. 5015

Relating to modifications in terminology regarding municipal courts.

Sincerely,

TERRY SEBRING, Legal Counsel to the Governor

**INTRODUCTION AND FIRST READING**

SB 6054 by Senators Warnke and Barr

AN ACT Relating to auctioneers and auction companies; amending RCW 18.11.121; and adding a new section to chapter 46.70 RCW.

Referred to Committee on Commerce and Labor.

SB 6055 by Senators Owen and Lee

AN ACT Relating to capital budget plan reviews; adding a new section to chapter 43.41 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SCR 8409 by Senators Talmadge, Halsan, Nelson, McCaslin and Moore

Modifying juvenile disposition standards.

Referred to on Judiciary.

SCR 8410 by Senators Smitherman, Warnke, Vognild, West, Sellar, Anderson, Lee, Cantu, Williams and Bauer

Supporting the small business conference to be held in October, 1987.

Referred to Committee on Commerce and Labor.

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

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Kreidler, Gubernatorial Appointment No. 9000, Edward T. Luders, as a member of the State Parks and Recreation Commission, was confirmed.

APPOINTMENT OF EDWARD T. LUDERS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

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

Excused: Senators Peterson, Rinehart - 2.

MOTION

On motion of Senator Zimmerman, Senator Bluechel was excused.

MOTION

On motion of Senator Kreidler, Gubernatorial Appointment No. 9001, Richard G. Dixon, as a member of the State Parks and Recreation Commission, was confirmed.

APPOINTMENT OF RICHARD G. DIXON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; excused, 3.

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

Excused: Senators Bluechel, Peterson, Rinehart - 3.

MOTION

On motion of Senator Kreidler, Gubernatorial Appointment No. 9002, Queenie Allado, as a member of the State Parks and Recreation Commission, was confirmed.

APPOINTMENT OF QUEENIE ALLADO

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

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

Excused: Senators Peterson, Rinehart - 2.

MOTION

On motion of Senator Kreidler, Gubernatorial Appointment No. 9004, Jeanie E. Marsden, as a member of the Interagency Committee for Outdoor Recreation, was confirmed.

APPOINTMENT OF JEANIE E. MARSDEN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Stratton,

Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Peterson, Rinehart - 2.

#### SECOND READING

SENATE JOINT MEMORIAL NO. 8003, by Senators Conner, Metcalf, Anderson, Pullen, Hansen and Garrett

Memorial to discover location of MIAs.

The memorial was read the second time.

#### MOTION

On motion of Senator Conner, the rules were suspended, Senate Joint Memorial No. 8003 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Joint Memorial No. 8003.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Joint Memorial No. 8003 and the memorial passed the Senate by the following vote: Yeas, 47; excused, 2.

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

Excused: Senators Peterson, Rinehart - 2.

SENATE JOINT MEMORIAL NO. 8003, having received the constitutional majority, was declared passed.

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

#### MOTION

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

#### SENATE RESOLUTION 1987-8619

by Senators Bottiger, Warnke and Garrett

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The Green River Community College women's basketball team won the Northwest Athletic Association of Community College (NWAACC) championship on February 28, 1987; and

WHEREAS, The Green River Gators won the championship by defeating in overtime the Clark Community College Penguins, a very formidable opponent; and

WHEREAS, Green River's season record of twenty-six wins and only two losses is an accomplishment that deserves commendation; and

WHEREAS, The Green River Gators team members, Teresa Bonnot, Kim Brown, Kelly Williams, Cindy Tokarz, Jennifer Lindquist, Sonia Swan, Jana Wilson, Diane Schumacher, Margaret Henry, Nancy Katzer, Keri Strobeck and Joy Bullinger have learned the importance of working together toward a common goal through individual and team efforts; and

WHEREAS, The Gators coach, Mike Willis, along with assistant coach, Shawn Johnson, and team manager, Bob Saalfeld, have proven their dedication and enthusiasm for basketball in guiding the team to the championship;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington recognizes and congratulates the Green River women's basketball Gators for their splendid basketball accomplishments in 1987; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to coach Willis at the Athletic Department of the Green River Community College and to each member of the team.

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

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5124, deferred on second reading February 27, 1987.

#### MOTION

On motion of Senator Hansen, the rules were suspended, Substitute Senate Bill No. 5124 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Talmadge: "Senator Hansen, in the summary of the bill, I notice that the minimum insurance limits for tow truck operators are reduced from \$250,000 to \$100,000."

Senator Hansen: "Yes, when you take in the rural areas, there isn't enough business and by the time they pay the insurance bond, there is no one left over there running tow trucks, so this is an attempt, in the rural areas, to have a viable tow truck industry in other areas outside of the metropolitan area."

#### FURTHER REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Mr. President, members of the Senate, I would have a concern about this bill insofar as you reduce the limits of liability that would be applicable to a tow truck operator. I can understand and appreciate the work that the Transportation Committee has attempted to accomplish here in dealing with the process by which tow truck operators deal with towed vehicles and how that is to take place. However, what you do by reducing the limits of liability for tow truck operators is make available--I guess make unavailable--to people the opportunity to collect, if a tow truck operator is negligent and does serious damage to someone out on the roads of the state of Washington. I think that may be a mistake.

"I appreciate the concern about liability insurance costs and I suppose I could hasten to add here, that maybe the Tort Reform Act of 1986, didn't do that which some people thought in the area of tow truck liability premiums. The fact of the matter is, that if you reduce the limits of liability for tow truck operators from \$250,000 to \$100,000, there are going to be some people who might be seriously injured by negligent operation of tow trucks, who are going to be uncompensated for those kinds of injuries and you will expose tow truck operators' personal assets--their homes, their businesses, and so forth--to collection rather than have the victims get recourse against their insurance policy. I think that is a mistake. I am going to vote no."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5124.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5124 and the bill passed the Senate by the following vote: Yeas, 38; nays, 9; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Saling, Sellar, Smitherman, Stratton, Tanner, von Reichbauer, Warnke, West, Zimmerman - 38.

Voting nay: Senators Bottiger, Fleming, Gaspard, Moore, Rasmussen, Talmadge, Vognild, Williams, Wojahn - 9.

Excused: Senators Peterson, Rinehart - 2.

SUBSTITUTE SENATE BILL NO. 5124, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5210, by Senators Hansen, Barr, Gaspard, Bauer and Bailey  
Prohibiting the relinquishment of water rights attached to lands enrolled in certain federal conservation reserve programs.

## MOTIONS

On motion of Senator Hansen, Substitute Senate Bill No. 5210 was substituted for Senate Bill No. 5210 and the substitute bill was placed on second reading and read the second time.

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

On page 2, line 11, after "amended" insert ", including but not limited to those waters associated with a project or projects which have not been declared completed or abandoned by the United States acting by and through the secretary of the interior or other duly authorized officer of the United States"

On motion of Senator Hansen, the rules were suspended, Engrossed Substitute Senate Bill No. 5210 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Pullen: "Maybe Senator Metcalf would comment, I notice in our index that the short title of this bill is Water Rights Federal Reserve and I was wondering if there was anything in here dealing with funny money?"

Senator Metcalf: "Thank you, Mr. President and members of the Senate. I saw the title and I was sort of nervous on that myself. I have looked at it thoroughly and I fully support Senator Hansen. This is a good bill and I think we should pass it."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5210.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5210 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent, 1; excused, 2.

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

Voting nay: Senator McDermott - 1.

Absent: Senator Tanner - 1.

Excused: Senators Peterson, Rinehart - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5210, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5570, by Senators Kreidler, Bluechel, Bottiger and Stratton  
Providing for regulation of incinerator residues.

## MOTIONS

On motion of Senator Kreidler, Substitute Senate Bill No. 5570 was substituted for Senate Bill No. 5570 and the substitute bill was placed on second reading and read the second time.

Senator Kreidler moved that the following amendment by Senators Kreidler and Bluechel be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION.** Sec. 1. The legislature recognizes that raw garbage poses significant environmental and public health risks. The legislature has recognized that mixed municipal solid waste incineration constitutes a higher waste management priority than the land disposal of untreated mixed municipal solid waste due to its reduction of waste volumes and environmental health risks. The legislature further recognizes that incineration serves as an intermediate

technology to further enable implementation of the other higher management priorities of waste reduction and recycling.

**NEW SECTION.** Sec. 2. A new section is added to chapter 70.95 RCW to read as follows:

Ash residues resulting from the operation of incinerator facilities handling mixed municipal solid waste, including solid waste from residential, commercial, and selected industrial establishments which would otherwise be regulated as a hazardous waste under chapter 70.105 RCW, shall be regulated by the department of ecology pursuant to the provisions of this section as a "special waste" and shall not constitute a "dangerous waste" or "extremely hazardous waste" as set forth in chapter 70.105 RCW.

**NEW SECTION.** Sec. 3. A new section is added to chapter 70.95 RCW to read as follows:

(1) Prior to disposal of "special wastes," owners and/or operators of mixed municipal solid waste incinerator facilities must develop and implement plans for managing the special wastes. These plans shall:

(a) Set forth procedures for the protection of public health, the environment, and employee safety, for all aspects relating to the management of the special wastes;

(b) Require submittal to the department of ecology of annual reports setting forth the results of a testing program to monitor the toxic chemical and physical properties of the special wastes or treated special wastes as necessary to ensure the adequacy of the procedures set forth in the plans submitted pursuant to this section; and

(c) Comply with such requirements as may be established by rule by the department of ecology under chapter 70.95 RCW for management of special wastes.

(2) Prior to disposal of any special waste, each plan developed pursuant to subsection (1) of this section shall be submitted to the department of ecology for review and approval. Such approval shall be contingent upon the department of ecology finding that the plan adequately addresses the items specified under subsection (1) of this section. Such approval may be conditioned upon additional requirements necessary to protect human health and the environment, including, but not limited to, special handling requirements, waste segregation or other potential treatment techniques such as neutralization, detoxification, or solidification/stabilization.

(3) The department shall take action to approve, reject, or approve with conditions, the plan submitted pursuant to subsection (1) of this section. Such actions shall occur within ninety days of submittal of the plan by the owner or operator and failure of the department to so act shall constitute approval. The owner or operator may appeal any denial of approval, or conditions placed upon approval, to the pollution control hearings board pursuant to the provisions of chapter 43.21B RCW, except that such appeal shall be expedited by the board to the maximum extent possible.

(4) Each plan approved pursuant to subsection (3) of this section shall be incorporated into the permit issued under chapter 70.95 RCW for the solid waste facility or facilities that manage the special waste.

**NEW SECTION.** Sec. 4. A new section is added to chapter 70.105 RCW to read as follows:

This chapter does not apply to special wastes regulated under chapter 70.95 RCW: PROVIDED, That nothing herein shall affect the department's authorities pursuant to this chapter to implement and enforce the federal resource conservation and recovery act, 42 U.S.C. Sec. 6901 et seq., if such "special wastes" constitute hazardous waste pursuant to the terms of that federal act."

#### MOTION

At 10:23 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 11:17 a.m. by President Cherberg.

#### SECOND READING

SENATE BILL NO. 5531, by Senators Rasmussen, Talmadge, Hansen, Halsan, Garrett, Tanner, Bauer, Williams, Bender, Fleming, Vognild, McDermott, Patterson, Smitherman, Warnke, Owen, Newhouse, Nelson, McCaslin, Benitz, Lee, Pullen, West and Barr

Increasing the homestead exemption and the award in lieu thereof.

The bill was read the second time.

#### MOTIONS

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

On page 1, line 10, after "~~((twenty-five))~~" strike "thirty-five" and insert "thirty"

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

On page 1, line 25, after "~~((twenty-five))~~" strike "thirty-five" and insert "thirty"

## MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 5531 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5531.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5531 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator Peterson - 1.

ENGROSSED SENATE BILL NO. 5531, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5570 and the pending amendment by Senators Kreidler and Bluechel, deferred earlier today.

## MOTION

Senator Saling moved that the following amendments by Senators Saling, West and McCaslin to the Kreidler and Bluechel amendment be considered simultaneously and adopted:

On page 1, line 27 of the amendment by Senator Kreidler, before "Ash residues" insert "(1)"

On page 2, after line 6, insert the following subsection:

"(2) (a) In those counties in which a sole source aquifer has been determined to exist by the administrator of the environmental protection agency prior to January 1, 1987 and pursuant to the safe water drinking act, 42 U.S.C. Sec. 300h-3(e), ash residues as described in subsection (1) of this section shall be regulated as a "hazardous waste" under chapter 70.105 RCW, unless the owners and/or operators of mixed municipal solid waste incinerator facilities can determine that such ash residues do not exhibit characteristics consistent with the definitions of "dangerous waste" or "extremely hazardous waste" as provided in RCW 70.105.010(5) and RCW 70.105.010(6) and the tests for these wastes contained in the dangerous waste regulations of the Washington Administrative Code 173-303.

(b) At such time that the owners and/or operators of mixed municipal solid waste incinerator facilities determine that such ash residues do not constitute hazardous waste under chapter 70.105 RCW, the ash residues shall be regulated by the department of ecology pursuant to the provisions of subsection (1) of this section."

Debate ensued.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Kreidler, you spoke of raw garbage. I don't think Senator McCaslin's amendment is saying that you can't incinerate, does it?"

Senator Kreidler: "No, it does not, Senator."

Senator Rasmussen: "Well, that's what was bothering me. You keep talking about raw garbage and he's talking about incineration, but to let the Department of Ecology make sure that it is not extra hazardous--the remains of the incineration."

Senator Kreidler: "Senator, what I am speaking to is the fact that this particular amendment stands to be interpreted as a serious impediment to the alternative of moving toward incineration, which leaves us with our only other viable alternative, which is putting raw garbage in the ground. The only thing you are going to do and I should add this point, the priorities that have been established already in statute are such that waste reduction and recycling are the number one priority. The number three on there would be the alternative of turning to incineration. Those are going to be the priority list of how we are going to get rid of waste, but if you essentially put impediments in the alternative of using incineration, which I

contend this particular amendment begins that process--by establishing the Spokane exemption--we're obviously going to turn the clock back and make it much more difficult to do something to protect the environment in the future."

Senator Rasmussen: "Thank you. I don't read all of that into the amendment. I think I'll support it."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senators Saling, West and McCaslin to the amendment.

The motion by Senator Saling failed and the amendments to the amendment were not adopted.

#### MOTION

Senator West moved that the following amendment to the amendment by Senators Kreidler and Bluechel be adopted:

On page 3, line 36, after "approval," insert the "if the department finds good cause to take additional time for processing the application, in which case the department shall send to the operator or owner, in writing, the department's reasons for delaying such action on the application."

Debate ensued.

#### POINT OF INQUIRY

Senator Bottiger: "Senator Vognild, has the Department finally decided what to do with the ash from the community college up in Everett?"

Senator Vognild: "Senator Bottiger, to the best of my knowledge, it is still headed down south at a cost of \$85,000."

Further debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Bluechel, have you ever heard that saying, 'haste makes waste?' That is true. Thank you for your answer."

Senator Bluechel: "Thank you, Senator. Senator Rasmussen, the haste in this case is to get rid of the waste."

The President declared the question before the Senate to be adoption of the amendment by Senator West to the amendment.

The motion by Senator West failed and the amendment to the amendment was not adopted.

#### MOTION

Senator Warnke moved that the following amendment to the amendment by Senators Kreidler and Bluechel be adopted:

On page 4, after line 19 of the amendment by Senators Kreidler and Bluechel, insert the following:

"NEW SECTION, Sec. 5. Nothing in this 1987 act shall allow a solid waste incineration facility to use hazardous chemical wastes as fuel or to allow the disposal, by incineration, of hazardous chemical wastes."

Debate ensued.

#### POINT OF INQUIRY

Senator Pullen: "Senator Kreidler, I'm looking in RCW 70.105.010 which lists definitions and I see definitions there that include dangerous wastes, extremely hazardous waste, pesticides, hazardous household substances, and hazardous substances. I do not see a definition for hazardous chemical waste. Could you define for me what is meant by 'hazardous chemical waste?'"

Senator Kreidler: "Senator Pullen, 'hazardous chemical wastes' would be wastes that would certainly be ones that would be classified in such a way that they would be normally placed in Arlington--would be incinerated in a hazardous waste incinerator and the like. This amendment, after discussion with the mover of the amendment, Senator Warnke, clearly has no intention at all to address what would normally be considered solid waste and is only looking toward those exceptions that would be truly hazardous types of material, like I was saying, that would be incinerated and deposited in very special types of procedures outside of what would normally be dealing with solid waste."

Further debate ensued.

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

The motion by Senator Warnke failed and the amendment to the amendment was not adopted.

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

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

#### MOTIONS

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

On page 1, line 1 of the title, after "residues;" strike the remainder of the title and insert "adding new sections to chapter 70.95 RCW; adding a new section to chapter 70.105 RCW; and creating a new section."

On motion of Senator Kreidler, the rules were suspended, Engrossed Substitute Senate Bill No. 5570 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5570.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5570 and the bill passed the Senate by the following vote: Yeas, 39; nays, 7; absent, 2; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, Wojahn, Zimmerman - 39.

Voting nay: Senators Anderson, McCaslin, McDermott, Rinehart, Saling, West, Williams - 7.

Absent: Senators Benitz, Fleming - 2.

Excused: Senator Peterson - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5570, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President reverted the Senate to the first order of business.

#### REPORTS OF STANDING COMMITTEES

March 2, 1987

SB 5094 Prime Sponsor, Senator Bottiger: Taxing the labor rendered by speculative builders. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5094 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Deccio, Kreidler, McDonald, Owen, Rinehart, Saling, Talmadge, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

March 3, 1987

SB 5171 Prime Sponsor, Senator Hansen: Removing presumption of negligence in collisions between motor vehicles and livestock. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Bauer, Vice Chairman; Anderson, Bailey, Barr, Gaspard.

Passed to Committee on Rules for second reading.

March 3, 1987

SB 5212 Prime Sponsor, Senator Warnke: Specifying procedures for the issuance of temporary retail liquor licenses. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5212 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Lee, Sellar, Vognild, West, Williams.

Passed to Committee on Rules for second reading.

March 3, 1987

SB 5213 Prime Sponsor, Senator Williams: Revising provisions relating to construction of energy facilities. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 5213 be substituted therefor, and the substitute bill do pass. Signed by Senators Williams, Chairman; Owen, Vice Chairman; Cantu, Nelson, Smitherman, Stratton.

Passed to Committee on Rules for second reading.

March 2, 1987

SB 5225 Prime Sponsor, Senator Gaspard: Modifying collective bargaining procedures at community colleges. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5225 as recommended by Committee on Education be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Fleming, Kreidler, Moore, Rinehart, Talmadge, Vognild, Warnke, Williams, Wojahn.

MINORITY recommendation: Do not pass. Signed by Senators Bluechel, Cantu, Craswell, Deccio, Hayner, McDonald, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

March 3, 1987

SB 5274 Prime Sponsor, Senator Gaspard: Recognizing teachers' in-service training and continuing education for compensation purposes. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5274 as recommended by Committee on Education be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Fleming, Lee, Moore, Rasmussen, Rinehart, Vognild, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 3, 1987

SB 5303 Prime Sponsor, Senator Hansen: Permitting municipalities to discharge from municipal water treatment plants if the intake is from the same body of water as the discharge and water quality standards remain high. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 5303 be substituted therefor, and the substitute bill do pass. Signed by Senators Kreidler, Chairman; Rinehart, Vice Chairman; Bluechel, Hansen, Kiskaddon.

Passed to Committee on Rules for second reading.

March 3, 1987

SB 5372 Prime Sponsor, Senator Williams: Changing provisions relating to issuance of permits and site certification for energy facilities. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 5372 be substituted therefor, and the substitute bill do pass. Signed by Senators Williams, Chairman; Owen, Vice Chairman; Benitz, Cantu, Nelson, Smitherman.

Passed to Committee on Rules for second reading.

March 3, 1987

SB 5376 Prime Sponsor, Senator Rinehart: Implementing goals for the increased use of recovered material by state government. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 5376 be substituted therefor, and the substitute bill do pass. Signed by Senators Kreidler, Chairman; Rinehart, Vice Chairman; Bluechel, Hansen, Kiskaddon.

Passed to Committee on Rules for second reading.

March 2, 1987

SB 5378 Prime Sponsor, Senator Wojahn: Licensing laboratories conducting prenatal test. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5378 be substituted therefor, and the substitute bill do pass. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Kiskaddon, Kreidler, Tanner.

March 2, 1987

SB 5379 Prime Sponsor, Senator Owen: Providing for the enhancement of Grays Harbor salmon production. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Deccio, Fleming, Hayner, Kreidler, McDonald, Moore, Owen, Saling, Talmadge, Warnke.

Passed to Committee on Rules for second reading.

March 2, 1987

SB 5398 Prime Sponsor, Senator Halsan: Changing provisions relating to industrial development corporations. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5398 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Sellar, Vognild, West.

Referred to Committee on Ways and Means.

March 3, 1987

SB 5405 Prime Sponsor, Senator Talmadge: Defining "hazardous substance" for purposes of the worker and community right to know act. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 5405 be substituted therefor, and the substitute bill do pass. Signed by Senators Kreidler, Chairman; Rinehart, Vice Chairman; Bluechel, Kiskaddon.

Passed to Committee on Rules for second reading.

March 3, 1987

SB 5422 Prime Sponsor, Senator Owen: Prohibiting taking of bottomfish with trawling gear. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Owen, Chairman; Barr, Conner, Craswell, McDonald, Patterson.

Passed to Committee on Rules for second reading.

March 3, 1987

SB 5434 Prime Sponsor, Senator Kiskaddon: Authorizing an ocean beach management program. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 5434 be substituted therefor, and the substitute bill do pass. Signed by Senators Kreidler, Chairman; Bluechel, Kiskaddon.

MINORITY recommendation: Do not pass. Signed by Senators Rinehart, Vice Chairman; Hansen.

Passed to Committee on Rules for second reading.

March 2, 1987

SB 5441 Prime Sponsor, Senator DeJarnatt: Authorizing establishment of local reemployment centers. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5441 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Deccio, Kreidler, Rinehart, Saling, Talmadge, Vognild, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 2, 1987

SB 5452 Prime Sponsor, Senator Wojahn: Providing a prenatal care program. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5452 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Cantu, Deccio, Fleming, Kreidler, McDonald, Moore, Owen, Rinehart, Talmadge, Vognild, Warnke, Wojahn

Passed to Committee on Rules for second reading.

March 3, 1987

SB 5501 Prime Sponsor, Senator Vognild: Creating the aquatic land dredged material disposal site account. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5501 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Owen, Chairman; DeJarnatt, Vice Chairman; Barr, Craswell, McDonald, Patterson, Stratton.

Referred to Committee on Ways and Means.

March 2, 1987

SB 5502 Prime Sponsor, Senator Rinehart: Creating enforcement provisions for new motor vehicle warranties. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5502 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Tanner, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 3, 1987

SB 5544 Prime Sponsor, Senator Kreidler: Requiring department of social and health services to establish minimum wages for compensating nursing home employees. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5544 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Cantu, Craswell, Deccio, Fleming, Hayner, Kreidler, Lee, McDonald, Moore, Owen, Rasmussen, Rinehart, Saling, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 2, 1987

SB 5553 Prime Sponsor, Senator Talmadge: Establishing the children and family services pilot project. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5553 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Kiskaddon, Kreidler.

Referred to Committee on Ways and Means.

March 3, 1987

SB 5579 Prime Sponsor, Senator McDermott: Revising provisions relating to unfunded retirement system liability. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Craswell, Fleming, Kreidler, Lee, Moore, Rasmussen, Rinehart, Saling, Talmadge, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 2, 1987

SB 5599 Prime Sponsor, Senator Owen: Establishing receivership provisions for delinquent domestic water suppliers. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5599 be substituted therefor, and the substitute bill do pass. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Kiskaddon, Kreidler, Tanner.

Passed to Committee on Rules for second reading.

March 3, 1987

SB 5679 Prime Sponsor, Senator Williams: Providing procedures for confidentiality for information filed with the utilities and transportation commission. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 5679 be substituted therefor, and the substitute bill do pass. Signed by Senators Williams, Chairman; Owen, Vice Chairman; Benitz, Cantu, Nelson, Smitherman, Stratton.

Passed to Committee on Rules for second reading.

March 2, 1987

SB 5682 Prime Sponsor, Senator Rinehart: Authorizing a study and demonstration project to provide child day care for children of state employees at the University of Washington. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5682 as recommended by Committee on Education be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Fleming, Kreidler, Moore, Rinehart, Talmadge, Vognild, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 3, 1987

SB 5704 Prime Sponsor, Senator Metcalf: Requiring information to be filed with insurance rates. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 5704 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Fleming, McDermott, Metcalf, Pullen, von Reichbauer.

Passed to Committee on Rules for second reading.

March 3, 1987

SB 5754 Prime Sponsor, Senator Williams: Revising provisions on chewing tobacco. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Lee, Vognild, Williams.

Referred to Committee on Ways and Means.

March 2, 1987

SB 5761 Prime Sponsor, Senator Warnke: Deleting certain rules governing electrical installations. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5761 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Sellar, Vognild, West.

Passed to Committee on Rules for second reading.

March 2, 1987

SB 5774 Prime Sponsor, Senator Tanner: Requiring permanent identification markings on dentures and removable dental prosthesis. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Tanner.

Passed to Committee on Rules for second reading.

March 2, 1987

SB 5833 Prime Sponsor, Senator Talmadge: Establishing an office of the public defender. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5833 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Cantu, Fleming, Kreidler, McDonald, Moore, Owen, Rinehart, Talmadge, Vognild, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

February 27, 1987

SB 5838 Prime Sponsor, Senator McDermott: Regulating sales of health studio memberships. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5838 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Tanner, Vognild, West, Williams.

Passed to Committee on Rules for second reading.

March 2, 1987

SB 5882 Prime Sponsor, Senator Moore: Authorizing contractors to deposit cash or securities to meet insurance requirements. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Sellar, Tanner, Vognild, West, Wojahn.

Passed to Committee on Rules for second reading.

March 3, 1987

SB 5885 Prime Sponsor, Senator Halsan: Gathering and disseminating information on earthquake dangers. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5885 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Fleming, Lee, Moore, Rinehart, Saling, Talmadge, Vognild, Warnke, Williams, Zimmerman.

Passed to Committee on Rules for second reading.

March 3, 1987

SB 5888 Prime Sponsor, Senator Bailey: Authorizing special district elections to be held at special district's principal business office. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; McCaslin, Pullen, Zimmerman.

Passed to Committee on Rules for second reading.

March 3, 1987

SB 5911 Prime Sponsor, Senator McDermott: Relating to state government. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5911 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Cantu, Kreidler, Lee, McDonald, Owen, Rasmussen, Rinehart, Talmadge, Vognild, Warnke, Williams.

Passed to Committee on Rules for second reading.

March 3, 1987

SB 5936 Prime Sponsor, Senator Rasmussen: Prohibiting contingent-fee lobbying contracts. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Bottiger, Moore, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

March 3, 1987

SB 5937 Prime Sponsor, Senator Rinehart: Establishing a loan program for students intending to be public school teachers and for public school teachers getting additional endorsements. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Patterson, Saling, Smitherman, Warnke.

Passed to Committee on Rules for second reading.

March 3, 1987

SB 5939 Prime Sponsor, Senator Smitherman: Directing the department of social and health services to review alternatives for on-site sewage disposal systems. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass. Signed by Senators Kreidler, Chairman; Rinehart, Vice Chairman; Bluechel, Hansen, Kiskaddon.

Passed to Committee on Rules for second reading.

March 3, 1987

SB 5953 Prime Sponsor, Senator Gaspard: Providing reduced work load options for certain tenured community college faculty members. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Saling, Smitherman, Warnke.

Passed to Committee on Rules for second reading.

March 3, 1987

SB 5976 Prime Sponsor, Senator Hansen: Changing provisions relating to livestock liens. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Bauer, Vice Chairman; Anderson, Bailey, Barr, Gaspard.

Passed to Committee on Rules for second reading.

March 2, 1987

SB 6001 Prime Sponsor, Senator Warnke: Relating to classified school district employees' benefits. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6001 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Tanner, Vognild, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 3, 1987

SB 6002 Prime Sponsor, Senator McDermott: Exempting from excise tax certain recreational services furnished by nonprofit organizations. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Bill No. 6002 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Cantu, Craswell, Fleming, Hayner, Lee, Moore, Owen, Rasmussen, Saling, Talmadge, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 3, 1987

SB 6003 Prime Sponsor, Senator Hansen: Changing provisions relating to nonrelinquishment of water rights. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Bauer, Vice Chairman; Anderson, Bailey, Barr, Gaspard.

Passed to Committee on Rules for second reading.

March 3, 1987

SB 6010 Prime Sponsor, Senator Kreidler: Providing for the disposal of hazardous waste pesticides. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 6010 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Chairman; Bauer, Vice Chairman; Anderson, Bailey, Barr, Gaspard.

Passed to Committee on Rules for second reading.

March 3, 1987

SB 6031 Prime Sponsor, Senator McDermott: Requiring the public utility privilege tax to be paid on sales to entities acquiring electric energy for resale which are not utilities. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Cantu, Craswell, Deccio, Fleming, Hayner, Lee, Moore, Owen, Rasmussen, Saling, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 3, 1987

SB 6033 Prime Sponsor, Senator Newhouse: Exempting from business and occupation tax wholesale sales of hops for shipment out of state. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6033 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Bauer, Bluechel, Cantu, Craswell, Deccio, Fleming, Hayner, Lee, McDonald, Moore, Owen, Rasmussen, Saling, Talmadge, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 2, 1987

SB 6035 Prime Sponsor, Senator Kreidler: Requiring bilingual unemployment services. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass and refer to Committee on Ways and Means. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Tanner, Vognild, Williams, Wojahn.

Referred to Committee on Ways and Means.

March 3, 1987

SB 6036 Prime Sponsor, Senator Williams: Authorizing a new hydroelectric development study. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 6036 be substituted therefor, and the substitute bill do pass. Signed by Williams, Chairman; Owen, Vice Chairman; Benitz, Cantu, Nelson, Smitherman.

Passed to Committee on Rules for second reading.

March 3, 1987

SB 6053 Prime Sponsor, Senator Gaspard: Changing powers of educational service district boards. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Patterson, Saling, Smitherman, Warnke.

Passed to Committee on Rules for second reading.

March 3, 1987

SJM 8010 Prime Sponsor, Senator Hansen: Requesting department of defense not expand the Yakima Firing Center. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Bauer, Vice Chairman; Anderson, Bailey, Barr, Gaspard.

Passed to Committee on Rules for second reading.

March 3, 1987

SJM 8011 Prime Sponsor, Senator Smitherman: Requesting approval of Kern river pipeline project by federal energy regulatory commission. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Williams, Chairman; Owen, Vice Chairman; Benitz, Cantu, Nelson, Smitherman, Stratton.

Passed to Committee on Rules for second reading.

March 3, 1987

SJM 8016 Prime Sponsor, Senator Hansen: Requesting the strengthening of the Farm Credit System to assist Washington farmers. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Bauer, Vice Chairman; Anderson, Bailey, Barr, Gaspard.

Passed to Committee on Rules for second reading.

#### MOTION

At 12:15 p.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Thursday, March 5, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## FIFTY-THIRD DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Thursday, March 5, 1987

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bailey, Conner, Hayner, Kiskaddon, Lee, McDonald, Metcalf, Peterson, Saling, Sellar, von Reichbauer and Zimmerman. On motion of Senator Newhouse, Senators Bailey, Hayner, Kiskaddon, Lee, McDonald, Metcalf, Saling, Sellar, von Reichbauer and Zimmerman were excused. On motion of Senator Bender, Senators Conner and Peterson were excused.

The Sergeant at Arms Color Guard, consisting of Pages Angel Graham and Tessa Munger, presented the Colors. Reverend Phillip E. Norris, pastor of the Community Church of Lacey, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

March 3, 1987

SB 5039 Prime Sponsor, Senator Conner: Providing for the care of injured wildlife. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5039 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; DeJarnatt, Vice Chairman; Conner, Metcalf, Patterson, Stratton.

Passed to Committee on Rules for second reading.

March 3, 1987

SB 5090 Prime Sponsor, Senator Halsan: Revising the Administrative Procedure Act. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5090 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Moore, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

March 3, 1987

SB 5147 Prime Sponsor, Senator Hansen: Repealing authority for public utility and transportation corridors. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Tanner, Vice Chairman; Bailey, Barr, DeJarnatt, Nelson, Patterson, Sellar, West.

MINORITY recommendation: Do not pass. Signed by Senators Bender, Conner, Garrett.

Passed to Committee on Rules for second reading.

March 4, 1987

SB 5324 Prime Sponsor, Senator Rasmussen: Providing for increase of Lake Washington salmon production. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; DeJarnatt, Vice Chairman; Barr, Craswell, McDonald, Metcalf, Patterson, Stratton.

Passed to Committee on Rules for second reading.

March 3, 1987

SB 5439 Prime Sponsor, Senator Owen: Designating department of natural resources as agency for surveys and maps and creating surveys and maps account in the general fund. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5439 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; DeJarnatt, Vice Chairman; Barr, Craswell, McDonald, Metcalf, Patterson, Stratton.

Passed to Committee on Rules for second reading.

March 3, 1987

SB 5506 Prime Sponsor, Senator Halsan: Conforming statutes to revisions of the Administrative Procedure Act. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5506 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Moore, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

March 4, 1987

SB 5532 Prime Sponsor, Senator Gaspard: Establishing a sabbatical grant program. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended and refer to Committee on Ways and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Smitherman, Warnke.

Referred to Committee on Ways and Means.

March 2, 1987

SB 5647 Prime Sponsor, Senator Garrett: Expanding the board's authority over pilot discipline. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Tanner, Vice Chairman; Bailey, Barr, Bender, Conner, DeJarnatt, Garrett, Halsan, Johnson, Nelson, Patterson, Sellar, Smitherman.

Passed to Committee on Rules for second reading.

March 2, 1987

SB 5649 Prime Sponsor, Senator Peterson: Revising certain pilotage requirements. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5649 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Tanner, Vice Chairman; Bailey, Barr, Bender, Conner, DeJarnatt, Garrett, Halsan, Johnson, Patterson, Sellar, Smitherman, West.

Passed to Committee on Rules for second reading.

March 2, 1987

SB 5650 Prime Sponsor, Senator Conner: Revising qualifications of pilots. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5650 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Tanner, Vice Chairman; Bailey, Bender, Conner, DeJarnatt, Garrett, Halsan, Johnson, Patterson, Sellar, Smitherman, West.

Passed to Committee on Rules for second reading.

March 4, 1987

SB 5665 Prime Sponsor, Senator Smitherman: Authorizing funding for assistance to small business incubator projects. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5665 be substituted therefor, and the substitute bill do pass and be referred to Committee on

Ways and Means. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Lee, Sellar, Tanner, Vognild, West, Williams.

Referred to Committee on Ways and Means.

March 4, 1987

SB 5825 Prime Sponsor, Senator Conner: Revising provisions on horizontal property regimes. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5825 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Moore, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

March 2, 1987

SB 5830 Prime Sponsor, Senator Deccio: Exempting the procurement, processing, storage, and distribution of organs for transplantation from implied warranties under the Uniform Commercial Code. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5830 be substituted therefor, and the substitute bill do pass. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler.

Passed to Committee on Rules for second reading.

March 3, 1987

SB 5845 Prime Sponsor, Senator Owen: Revising provisions on forest practices. Reported by Committee on Natural Resources

MAJORITY recommendation: - That Substitute Senate Bill No. 5845 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Owen, Chairman; DeJarnatt, Vice Chairman; Barr, Craswell, McDonald, Metcalf, Patterson, Stratton.

Referred to Committee on Ways and Means.

March 2, 1987

SB 5861 Prime Sponsor, Senator Tanner: Providing an exemption for specified vessels from application of chapter 88.16 RCW. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Vice Chairman; Bailey, Barr, Bender, Garrett, Halsan, Johnson, Nelson, Patterson, Sellar, Smitherman, West.

Passed to Committee on Rules for second reading.

March 4, 1987

SB 5868 Prime Sponsor, Senator Newhouse: Authorizing courts to set terms of license revocation for vehicular homicide and assault. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5868 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Moore, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

March 3, 1987

SB 5886 Prime Sponsor, Senator Wojahn: Revising provisions on certificate of need program for hospitals. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5886 be substituted therefor, and the substitute bill do pass. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Tanner.

Passed to Committee on Rules for second reading.

March 3, 1987

SB 5890 Prime Sponsor, Senator Tanner: Extending the chiropractic disciplinary board. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Tanner.

Passed to Committee on Rules for second reading.

March 4, 1987

SB 5944 Prime Sponsor, Senator Warnke: Revising provisions on continuing education for certified public accountants. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5944 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Vognlid, West, Williams.

Passed to Committee on Rules for second reading.

March 4, 1987

SB 5949 Prime Sponsor, Senator Warnke: Establishing procedure for acknowledgements of documents before notaries by disabled persons. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Lee, Sellar, Tanner, Vognlid, West, Williams.

Passed to Committee on Rules for second reading.

March 4, 1987

SB 5958 Prime Sponsor, Senator Rinehart: Specifying the number of waivers of tuition for foreign students at the four-year institutions of higher education. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Bailey, Bender, Benitz, Patterson, Saling, Smitherman, Warnke.

Passed to Committee on Rules for second reading.

March 4, 1987

SB 5972 Prime Sponsor, Senator Bottiger: Limiting liability of persons involved in professional peer review bodies for health care professionals. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Newhouse.

Passed to Committee on Rules for second reading.

March 4, 1987

SB 5973 Prime Sponsor, Senator Rasmussen: Authorizing state reinsurance of titles to tideland and river beds which may be subject to Indian ownership claims. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Owen, Chairman; DeJarnatt, Vice Chairman; Barr, Craswell, McDonald, Metcalf, Patterson, Rasmussen, Stratton.

Referred to Committee on Ways and Means.

March 4, 1987

SB 5974 Prime Sponsor, Senator Rasmussen: Providing for right of action against state where there is an Indian claim to certain lands conveyed by deed by the state. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Owen, Chairman; DeJarnatt, Vice Chairman; Barr, Craswell, McDonald, Metcalf, Rasmussen.

Referred to Committee on Ways and Means.

March 3, 1987

SB 6023 Prime Sponsor, Senator Hansen: Authorizing port districts to mortgage industrial development facilities, including agricultural facilities. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 6023 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Chairman; Bauer, Vice Chairman; Anderson, Bailey, Barr, Gaspard.

Passed to Committee on Rules for second reading.

March 4, 1987

SB 6042 Prime Sponsor, Senator Warnke: Restricting industrial insurance coverage of offenders performing community service to medical aid benefits. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Lee, Sellar, Tanner, Vognild, West, Williams.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

March 4, 1987

MR. PRESIDENT:

The House has passed:  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 16,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 99,  
 SUBSTITUTE HOUSE BILL NO. 154,  
 HOUSE BILL NO. 250,  
 SUBSTITUTE HOUSE BILL NO. 450,  
 SUBSTITUTE HOUSE BILL NO. 489,  
 HOUSE BILL NO. 545, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6056 by Senators DeJarnatt and Bluechel

AN ACT Relating to local excise tax on lodgings; and amending RCW 67.28.180.

Referred to Committee on Ways and Means.

SB 6057 by Senator DeJarnatt

AN ACT Relating to land areas along the Pacific Ocean; creating a new section; and providing an expiration date.

Referred to Committee on Parks and Ecology.

SB 6058 by Senator Conner

AN ACT Relating to public utility district elections; amending RCW 54.12.010 and 54.04.060; and adding a new section to chapter 54.12 RCW.

Referred to Committee on Energy and Utilities.

SB 6059 by Senator Peterson

AN ACT Relating to motor fuel inspections; adding a new chapter to Title 19 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

SB 6060 by Senator Sellar

AN ACT Relating to bridge foundation investigation in shorelines.

Referred to Committee on Parks and Ecology.

SB 6061 by Senator Nelson

AN ACT Relating to exempting certain community docks from the substantial development requirements of the shoreline management act.

Referred to Committee on Parks and Ecology.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

E2SHB 16 by Committee on Ways and Means/Appropriations (originally sponsored by Representatives Grimm, Walker, Rust, Allen, Jacobsen, Winsley, Brekke, Locke, Unsoeld and Belcher)

Regulating wood stoves emissions.

Referred to Committee on Parks and Ecology.

ESHB 99 by Committee on Health Care (originally sponsored by Representatives Niemi, Cantwell, Vekich, Braddock, Fisch and Brekke)

Creating the Washington state health insurance pool.

Referred to Committee on Financial Institutions.

SHB 154 by Committee on Transportation (originally sponsored by Representatives Spanel, D. Sommers, Cooper, Doty, Betzoff and Rayburn) (by request of Washington State Patrol)

Designating hazardous materials coordinating agencies.

Referred to Committee on Transportation.

HB 250 by Representatives Walk, Schmidt, Gallagher, Meyers and Dellwo (by request of Utilities and Transportation Commission)

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

Referred to Committee on Transportation.

SHB 450 by Committee on State Government (originally sponsored by Representatives H. Sommers and B. Williams) (by request of Governor Gardner)

Revising and reorganizing laws pertaining to the cemetery board.

Referred to Committee on Governmental Operations.

SHB 489 by Committee on Judiciary (originally sponsored by Representatives Appelwick and P. King)

Revising provisions on probate.

Referred to Committee on Judiciary.

HB 545 by Representatives Ferguson, Haugen, Nutley and O'Brien

Correcting the double amendment to RCW 35.92.070.

Referred to Committee on Governmental Operations.

#### MOTIONS

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Vognild, the Committee on Commerce and Labor was relieved of further consideration of Senate Bill No. 6041.

On motion of Senator Vognild, Senate Bill No. 6041 was referred to the Committee on Judiciary.

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

#### MOTION

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

## SENATE RESOLUTION 1987-8614

by Senators Sellar, Benitz, Vognilid and Rasmussen

WHEREAS, Chambers of Commerce unite business and industry with a common goal of building stronger communities throughout the state of Washington; and

WHEREAS, Chambers of Commerce provide private sector leadership and resources and cooperate with state and local government to advance economic development and create jobs; and

WHEREAS, Chambers of Commerce assist small business with research, education and training opportunities; and

WHEREAS, Chambers of Commerce address the growth and development of international trade, modernized transportation systems and advanced technology; and

WHEREAS, Chambers of Commerce are working to improve the quality of our educational system and to bring valuable economic education programs to our youth; and

WHEREAS, Chambers of Commerce promote the arts; sports and recreational attributes of our state;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate do hereby declare the month of March, 1987, as Chamber of Commerce Month; and

BE IT FURTHER RESOLVED, That the members of the Washington State Senate encourage every Chamber of Commerce, and the business men and women of our state to continue their valuable work to build stronger communities for the benefit of all citizens in Washington State.

## MOTION

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

## SENATE RESOLUTION 1987-8620

by Senators Bauer, Zimmerman, Tanner, DeJarnatt, Rasmussen and Pullen

WHEREAS, Trooper James S. Gain was born August 3, 1944, in Clark County and graduated from Fort Vancouver High School; and

WHEREAS, Trooper Gain began his service with the Washington State Patrol in June, 1967, as a cadet, and graduated from the Academy February 9, 1968; and

WHEREAS, Trooper Gain worked in Pierce County until 1972, when he returned to his native Vancouver area and worked in Patrol District 5; and

WHEREAS, In addition to being a highway trooper, Trooper Gain worked for five years, from 1974 to 1979, in the vehicle identification section in Vancouver and then returned to highway duty; and

WHEREAS, Trooper Gain is a veteran of the army reserve and studied two years at Clark College and the University of Portland; and

WHEREAS, Trooper Gain lived in Battle Ground at the time of his death. He is survived by his wife, Rosemary, and three children, Danielle Marie, Nicholas, and Todd; and

WHEREAS, Trooper Gain died while performing his duties. He was standing beside a motorist's car on the shoulder of Interstate 5 when he was struck by a passing semi-truck;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, that the members of the Senate on behalf of the people of the state of Washington express their sorrow for the loss of a man who has dedicated his life to making the highways of Washington State safer for all, and that they also express their gratitude for the inspiration and example this outstanding man has made to his fellow Washingtonians; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be directed to transmit copies of this resolution to Trooper Gain's family, and the Washington State Patrol.

## MOTION

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

## SENATE RESOLUTION 1987-8621

by Senators Gaspard and Benitz

WHEREAS, The state of Washington, and particularly the vocational education community, lost a good friend and leader last Saturday with the sudden passing of Dennis Coplen; and

WHEREAS, The Washington State Senate, and particularly its committee on education, feels the loss of Dennis Coplen, whose leadership, professionalism, and energy were always helpful to the Senate in its deliberations regarding vocational issues; and

WHEREAS, Dennis Coplen dedicated his entire life to vocational education, first as National President of the Distributive Education Clubs of America (DECA) while a student at Everett High School; later as executive director of Washington State DECA; and for the past twelve years as executive director of the State Council on Vocational Education (COVE); and

WHEREAS, Dennis Coplen was an individual whose actions and deeds deeply affected and touched the lives of many;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate join with so many others in the celebration of the life, and in the mourning of the death, of Dennis D. Coplen; and

BE IT FURTHER RESOLVED, That the Washington State Senate extends its heartfelt condolences to the family and friends of our departed colleague and friend, Dennis D. Coplen; he was a good man; he will be missed.

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

## SECOND READING

SENATE BILL NO. 5433, by Senators Bauer, Bailey, Bender, Gaspard, Rinehart, Saling, Patterson and Zimmerman

Providing for discussions about other western states' teacher certification programs.

The bill was read the second time.

## MOTION

On motion of Senator Gaspard, the rules were suspended, Senate Bill No. 5433 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5433.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5433 and the bill passed the Senate by the following vote: Yeas, 37; excused, 12.

Voting yeas: Senators Anderson, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kreidler, McCaslin, McDermott, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vogtnild, Warnke, West, Williams, Wojahn - 37.

Excused: Senators Bailey, Conner, Hayner, Kiskaddon, Lee, McDonald, Metcalf, Peterson, Saling, Sellar, von Reichbauer, Zimmerman - 12.

SENATE BILL NO. 5433, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5536, by Senators Garrett, Bluechel and Kreidler

Revising provisions relating to the scenic river system.

The bill was read the second time.

## MOTION

On motion of Senator Garrett, the rules were suspended, Senate Bill No. 5536 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5536.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5536 and the bill passed the Senate by the following vote: Yeas, 37; excused, 12.

Voting yea: Senators Anderson, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kreidler, McCaslin, McDermott, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, West, Williams, Wojahn - 37.

Excused: Senators Bailey, Conner, Hayner, Kiskaddon, Lee, McDonald, Metcalf, Peterson, Saling, Sellar, von Reichbauer, Zimmerman - 12.

SENATE BILL NO. 5536, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5666, by Senators Gaspard, von Reichbauer and Warnke

Designating a portion of SR 161 as Enchanted Parkway.

The bill was read the second time.

## MOTION

On motion of Senator Hansen, the rules were suspended, Senate Bill No. 5666 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5666.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5666 and the bill passed the Senate by the following vote: Yeas, 27; nays, 10; excused, 12.

Voting yea: Senators Anderson, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Hansen, Johnson, Kreidler, McCaslin, McDermott, Nelson, Owen, Pullen, Rinehart, Smitherman, Stratton, Tanner, Vognild, Warnke, West - 27.

Voting nay: Senators Cantu, Craswell, Halsan, Moore, Newhouse, Patterson, Rasmussen, Talmadge, Williams, Wojahn - 10.

Excused: Senators Bailey, Conner, Hayner, Kiskaddon, Lee, McDonald, Metcalf, Peterson, Saling, Sellar, von Reichbauer, Zimmerman - 12.

SENATE BILL NO. 5666, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5024, by Senators Talmadge, Warnke, Smitherman and Moore

Requiring advertising by contractors to show the contractor's registration number.

## MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 5024 was substituted for Senate Bill No. 5024 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Warnke, the following amendments were considered simultaneously and adopted:

On page 3, line 3, after "number." strike all material down to and including "number." on line 5

On page 3, line 22, after "look to" strike "the advertiser and to"

On motion of Senator Warnke, the following amendments were considered simultaneously and adopted:

On page 3, line 35, after "advertising" strike all material through "advertising"  
On page 4, after line 8, strike all material down through "service." on line 20.

#### MOTION

On motion of Senator Warnke, the rules were suspended, Engrossed Substitute Senate Bill No. 5024 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Newhouse, Senator Benitz was excused.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5024.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5024 and the bill passed the Senate by the following vote: Yeas, 34; nays, 2; excused, 13.

Voting yea: Senators Anderson, Bauer, Bender, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kreidler, McCaslin, McDermott, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, West, Williams, Wojahn - 34.

Voting nay: Senators Barr, Bluechel - 2.

Excused: Senators Bailey, Benitz, Conner, Hayner, Kiskaddon, Lee, McDonald, Metcalf, Peterson, Saling, Sellar, von Reichbauer, Zimmerman - 13.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5024, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5036, by Senator Rasmussen

Restricting sale of surplus salmon eggs by the department of fisheries.

The bill was read the second time.

#### MOTION

On motion of Senator Owen, the rules were suspended, Senate Bill No. 5036 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5036.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5036 and the bill passed the Senate by the following vote: Yeas, 37; excused, 12.

Voting yea: Senators Anderson, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kreidler, McCaslin, McDermott, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, West, Williams, Wojahn - 37.

Excused: Senators Bailey, Benitz, Conner, Hayner, Kiskaddon, Lee, McDonald, Peterson, Saling, Sellar, von Reichbauer, Zimmerman - 12.

SENATE BILL NO. 5036, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5117, by Senator Barr

Requiring owners to control livestock to within twelve hours of running at large in livestock restricted area.

The bill was read the second time.

## MOTION

On motion of Senator Hansen, the rules were suspended, Senate Bill No. 5117 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5117.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5117 and the bill passed the Senate by the following vote: Yeas, 38; excused, 11.

Voting yea: Senators Anderson, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, West, Williams, Wojahn - 38.

Excused: Senators Bailey, Benitz, Conner, Hayner, Lee, McDonald, Peterson, Saling, Sellar, von Reichbauer, Zimmerman - 11.

SENATE BILL NO. 5117, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5143, by Senators Talmadge, Newhouse and Kreidler

Exempting the contents of public employment applications and the addresses and phone numbers of natural persons from public disclosure.

## MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 5143 was substituted for Senate Bill No. 5143 and the substitute bill was placed on second reading and read the second time.

Senator Halsan moved the following amendments by Senators Halsan and Nelson be considered simultaneously and adopted:

On page 3, line 16, after "applicants" insert "other than those interviewed"

On page 3, line 18, after "application" strike everything through line 25 and insert "Interviewed means any meeting, conversation, or discussion in person, by telephone, or in writing in which information is requested in addition to that contained in the application or resume."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senators Halsan and Nelson.

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

## MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute Senate Bill No. 5143 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5143.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5143 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

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

Excused: Senators Benitz, Conner, Peterson - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5143, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5146, by Senators Smitherman, von Reichbauer, Tanner, Zimmerman and Bauer

Authorizing life insurance coverage for port district commissioners.

The bill was read the second time.

## MOTION

On motion of Senator Smitherman, the rules were suspended, Senate Bill No. 5146 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5146.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5146 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

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

Excused: Senators Benitz, Conner, Peterson - 3.

SENATE BILL NO. 5146, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5152, by Senators Bauer, Bailey, Gaspard, Zimmerman, Rinehart, Saling, Patterson, Bender and Warnke

Establishing a pilot program to enhance student teaching.

The bill was read the second time.

## MOTION

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

Strike everything after the enacting clause and insert the following:

**NEW SECTION, Sec. 1.** The legislature recognizes that strong teacher preparation programs are fundamentally important to the success of the state's entire educational system and that clinical field experiences are critical to the success of the teacher preparation programs. The legislature believes that schools, school districts, and the colleges and universities mutually benefit from cooperative relationships to provide prospective teacher candidates with appropriate and necessary student teaching experiences. The legislature further believes that prospective teacher candidates should have field experiences and student teaching opportunities which are, to the extent reasonably possible, reflective of the diversity existing between schools and school districts state-wide.

The legislature intends to establish a temporary grant program to support innovative approaches to providing prospective teachers with a variety of student teaching experiences and to provide school districts state-wide with increased access to student teachers.

**NEW SECTION, Sec. 2.** (1) The state board of education shall establish the requirements for a two-year pilot program to enhance the student teaching component of teacher preparation programs to support innovative ways to expand student teaching experiences for prospective teacher candidates and to expand opportunities for student teacher placements in school districts throughout the state. The state board shall adopt necessary rules under chapter 34.04 RCW to carry out this program.

(2) In developing the pilot program requirements, the state board shall include a requirement that each grant application be jointly developed through a process including participation by school building and school district personnel, teacher preparation program personnel, program unit members, and other personnel as appropriate. Primary administration for each grant project shall be the responsibility of one or more of the cooperating grant project participants, as determined by the grant project participants.

**NEW SECTION, Sec. 3.** As used in sections 1 through 5 of this act, the term "student teaching" includes all field experiences and opportunities for observation, tutoring, micro-teaching, and

extended practicums; clinical and laboratory experiences; and internship experiences in educational settings.

NEW SECTION. Sec. 4. (1) The superintendent of public instruction is authorized to award grant funding on a competitive grant basis.

(2) Each grant application shall include provisions for providing appropriate and necessary training in observation and supervision and assistance skills and techniques for each participating school district cooperating teacher, and other building or district personnel who may be participants in a team concept to support the student teacher, and for each individual who is affiliated with a teacher preparation program or programs as a field-based supervisor of student teachers.

(3) In developing the grant proposals, grant requestors are encouraged but not required to consider such models or model components as:

(a) Contracting or otherwise cooperating with an educational service district to base a supervisor or supervisors in the educational service district to supervise student teachers placed into school districts located within the educational service district;

(b) Contracting or otherwise cooperating with a community college district to base a supervisor or supervisors in the community college district to supervise student teachers placed into school districts located within the boundaries of the community college district;

(c) Training cooperating teachers to serve also as the supervisor for participating institutions;

(d) Contractual or other cooperative arrangements between teacher preparation programs to allow one institution to serve a geographic area of the state not normally served by that institution; and

(e) Contractual or other cooperative arrangements between two or more teacher preparations programs to jointly serve a geographic area of the state not normally served by the institutions.

(4) In approving grant applications for funding, the state board of education shall assure that if no more than one grant project is approved such project shall be of a nature as suggested in subsection (3)(a) of this section. The state board shall also give priority consideration to approving grant projects as suggested in subsection (3) (b) and (e) of this section.

(5) The state board of education shall give priority consideration to approving grant applications designed to involve unserved or underserved school districts and shall assure, to the extent possible, that the grant projects approved for funding reflect a geographic sampling of the state.

NEW SECTION. Sec. 5. Any compensation provided to certificated school district employees pursuant to the pilot program established under sections 1 through 6 of this act shall not be deemed compensation for the purposes of salary lid compliance under RCW 28A.58.095.

NEW SECTION. Sec. 6. The state board of education shall evaluate the pilot projects and submit a report to the legislature not later than January 1, 1990, including findings and recommendations.

NEW SECTION. Sec. 7. This act shall expire January 1, 1990.

NEW SECTION. Sec. 8. The sum of two hundred fifty thousand dollars, or so much thereof as may be necessary, is appropriated from the general fund to the superintendent of public instruction for the biennium ending June 30, 1989, to carry out the purposes of this act.

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

#### MOTION

On motion of Senator Bauer, the rules were suspended, Engrossed Senate Bill No. 5152 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5152.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5152 and the bill passed the Senate by the following vote: Yeas, 36; nays, 10; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bottiger, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, Moore, Nelson, Newhouse, Owen, Patterson, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 36.

Voting nay: Senators Anderson, Bluechel, Cantu, Craswell, Decchio, Lee, McDonald, Metcalf, Pullen, Sellar - 10.

Excused: Senators Benitz, Conner, Peterson - 3.

ENGROSSED SENATE BILL NO. 5152, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 5159, by Senator DeJarnatt

Revising the reimbursement formula for the Puget Island-Westport ferry.

The bill was read the second time.

### MOTION

Senator Rasmussen moved that the following amendment by Senators Rasmussen, Gaspard, Wojahn, Bottiger and Smitherman be adopted:

On page 2, after line 19, insert the following:

"Sec. 2. Section 1, chapter 21, Laws of 1975 1st ex. sess. as last amended by section 286, chapter 7, Laws of 1984 and RCW 47.56.725 are each amended to read as follows:

(1) The department is hereby authorized to enter into a continuing agreement with Pierce, Skagit, and Whatcom counties pursuant to which the department shall, from time to time, direct the distribution to each of the counties the amounts authorized in subsection (2) of this section in accordance with RCW 46.68.100.

(2) The department is authorized to include in each such continuing agreement a provision for the distribution to each such county funds to reimburse the county for (~~the~~) eighty percent of the deficit incurred during each previous fiscal year in the operation and maintenance of the ferry system owned and operated by the county, commencing with the fiscal year ending June 30, 1976. The total amount to be reimbursed to Pierce, Skagit, and Whatcom counties collectively shall not exceed five hundred thousand dollars in any biennium. Each county agreement shall contain a requirement that the county shall maintain tolls on its ferries at levels sufficient to produce aggregate annual revenues at least equal to the annual revenue of the county's ferry system in calendar year 1975.

(3) The annual fiscal year deficit, if any, shall be determined by Pierce, Skagit, and Whatcom counties subject to review and approval of the department. The annual fiscal year deficit is defined as the total of operations and maintenance expenditures less the sum of ferry toll revenues and that portion of fuel tax revenue distributions which are attributable to the county ferry as determined by the department. Distribution of the amounts authorized by subsection (2) of this section by the state treasurer shall be directed by the department upon the receipt of properly executed vouchers from each county."

Re-number the sections consecutively.

Debate ensued.

### POINT OF INQUIRY

Senator Bluechel: "Senator Rasmussen, the amendment here raises the distribution from the fund, and I'm not sure which fund this is and that is one of the questions, from fifty percent to eighty percent for the ferry subsidy for Pierce, Skagit and Whatcom counties. Is this general fund or highway fund money, how much is involved and what's the total fiscal cost of this amendment?"

Senator Rasmussen: "Senator Bluechel, the fund is from the highway fund. We were not tempted to tap the general fund because the general fund is hard up. The eighty percent is the same amount as Wahkiakum County was asking for as an increase from the fifty percent. The dollar amount would not be known until the Transportation Commission reviewed the figures and comes up with what would be the deficit that they were financing. I couldn't tell you that, but it is for a state purpose. It never used to be because McNeil Island Penitentiary was run by the federal government. Now, McNeil Island is a state prison and whenever they have extra loads to go over there, they have the ferry system that can take it over--well most of the prisoners, yes, and prisoners from King County. Senator Bottiger advised me, so it would be of great interest to the King County people to support this.

"I can't tell you what the exact figure is, but the county has been operating this ferry for a large number of years and it has the same purpose, a state purpose, as the Wahkiakum ferry. I don't know what the figure is for the Wahkiakum ferry, but they are proposing to raise the amount up from fifty percent to eighty percent, exactly the same and would serve a very good state purpose."

Senator Bluechel: "Senator Rasmussen, you have done a very good job of avoiding the issue and I am wondering whether anybody really knows, on this floor, just what the difference between the fifty percent and eighty percent subsidy

is in this particular case? The second question is, are the funds available from the highway fund? I would think until we know that answer, we really shouldn't vote for the bill."

Further debate ensued.

#### POINT OF ORDER

Senator Vognild: "Mr. President, a point of order. I raise the question of scope and object on the amendment. While the amendment may well have good solid arguments, I would bring the President's attention to the fact that this bill is entitled, 'An act relating to Puget Island-Westport Ferry.' Additionally, if you read into the bill, it determines that it deals only with that particular ferry run. I would suggest that the amendment is beyond the scope and object and should be submitted as a separate bill, so that the merits of those arguments might be considered by the committee."

Further debate ensued.

#### MOTION

On motion of Senator Bottiger, further consideration of Senate Bill No. 5159 was deferred.

#### SECOND READING

SENATE BILL NO. 5163, by Senator Wojahn

Changing provisions relating to midwives.

#### MOTIONS

On motion of Senator Wojahn, Substitute Senate Bill No. 5163 was substituted for Senate Bill No. 5163 and the substitute bill was placed on second reading and read the second time.

Senator Deccio moved the following amendment be adopted:

On page 4, beginning on line 1, insert the following:

"Sec. 4. Section 5, chapter 232, Laws of 1981 as last amended by section 49, chapter 7, Laws of 1985 and RCW 18.50.102 are each amended to read as follows:

Every person licensed to practice midwifery shall register with the director of licensing annually and pay an annual renewal registration fee determined by the director (~~as provided in RCW 43.24.086~~) on or before the licensee's birth anniversary date. The license of the person shall be renewed for a period of one year. Any failure to register and pay the annual renewal registration fee shall render the license invalid. The license shall be reinstated upon written application to the director, payment to the state of a penalty fee determined by the director (~~as provided in RCW 43.24.086~~), and payment to the state of all delinquent annual license renewal fees. Any person who fails to renew his or her license for a period of three years shall not be entitled to renew such license under this section. Such person, in order to obtain a license to practice midwifery in this state, shall file a new application under this chapter, along with the required fee. The director, in the director's discretion, may permit the applicant to be licensed without examination if satisfied that the applicant meets all the requirements for licensure in this state and is competent to engage in the practice of midwifery.

The midwifery licensing program will be exempt from the provisions of RCW 43.24.086.

Renumber the remaining sections consecutively.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Deccio.

The motion by Senator Deccio failed and the amendment was not adopted on a rising vote.

#### MOTION

On motion of Senator Wojahn, the rules were suspended, Substitute Senate Bill No. 5163 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5163.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5163 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

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

Excused: Senators Benitz, Conner, Peterson - 3.

SUBSTITUTE SENATE BILL NO. 5163, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

#### REPORTS OF STANDING COMMITTEES

March 4, 1987

SB 5006 Prime Sponsor, Senator Moore: Providing for the election of members of existing metropolitan municipal corporation councils. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5006 be substituted therefor, and the substitute bill do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, Talmadge.

MINORITY recommendation: Do not pass. Signed by Senator Zimmerman.

Passed to Committee on Rules for second reading.

March 3, 1987

SB 5113 Prime Sponsor, Senator Peterson: Reducing auto insurance rates based on safety belt and passive restraint usage. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5113 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Tanner, Vice Chairman; Bailey, Bender, Conner, DeJarnatt, Garrett, Halsan, Nelson, Patterson, Sellar.

Passed to Committee on Rules for second reading.

March 3, 1987

SB 5115 Prime Sponsor, Senator Bender: Requiring motor vehicle liability insurance. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5115 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Tanner, Vice Chairman; Bailey, Barr, Bender, Conner, DeJarnatt, Garrett, Halsan, Nelson, Patterson, West.

Passed to Committee on Rules for second reading.

March 3, 1987

SB 5258 Prime Sponsor, Senator Moore: Revising the powers of banks. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 5258 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; McDermott, Metcalf, Pullen, von Reichbauer.

Passed to Committee on Rules for second reading.

March 4, 1987

SB 5292 Prime Sponsor, Senator Conner: Permitting certain retired veterans to be eligible for veterans' preferences for public employment purposes. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5292 be substituted therefor, and the substitute bill do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, Talmadge.

Passed to Committee on Rules for second reading.

March 4, 1987

SB 5365 Prime Sponsor, Senator Talmadge: Strengthening the regulation of personal service contracts. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5365 be substituted therefor, and the substitute bill do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

March 4, 1987

SB 5367 Prime Sponsor, Senator Halsan: Consolidating administrative functions of the board of accountancy and the board of pharmacy. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, Talmadge.

MINORITY recommendation: Do not pass. Signed by Senator Zimmerman.

Passed to Committee on Rules for second reading.

March 3, 1987

SB 5447 Prime Sponsor, Senator Halsan: Changing provisions relating to insurance policy cancellation. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 5447 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Fleming, McDermott, Metcalf.

Passed to Committee on Rules for second reading.

March 4, 1987

SB 5492 Prime Sponsor, Senator Bailey: Making the open public meetings act apply to nonprofit organizations that administer state funds. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5492 be substituted therefor, and the substitute bill do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

March 4, 1987

SB 5533 Prime Sponsor, Senator DeJarnatt: Directing the preparation of an ocean resources assessment for Washington. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5533 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Owen, Chairman; De Jarnatt, Vice Chairman; Barr, McDonald, Metcalf, Patterson, Stratton.

Referred to Committee on Ways and Means.

March 4, 1987

SB 5552 Prime Sponsor, Senator Bailey: Providing standards for appointment of chief law enforcement officers. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5552 be substituted therefor, and the substitute bill do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

March 3, 1987

SB 5659 Prime Sponsor, Senator Wojahn: Providing for services for the protection of children. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5659 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Tanner.

Referred to Committee on Ways and Means.

March 4, 1987

SB 5717 Prime Sponsor, Senator Cantu: Requiring disclosure by nonprofit corporations of their financial activities. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5717 be substituted therefor, and the substitute bill do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

March 3, 1987

SB 5755 Prime Sponsor, Senator Kreidler: Changing provisions relating to the enforcement of state securities laws. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 5755 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Fleming, McDermott, Metcalf, Pullen.

Passed to Committee on Rules for second reading.

March 4, 1987

SB 5771 Prime Sponsor, Senator DeJarnatt: Authorizing creation of law enforcement service districts in some counties. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin.

MINORITY recommendation: Do not pass. Signed by Senator Pullen.

Passed to Committee on Rules for second reading.

March 4, 1987

SB 5856 Prime Sponsor, Senator Barr: Revising the payment of extra retirement costs by fourth class cities. Reported by Committee on Governmental Operations

MAJORITY recommendation: Refer to Committee on Ways and Means with no recommendation. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Pullen, Zimmerman.

Referred to Committee on Ways and Means.

March 4, 1987

SB 5858 Prime Sponsor, Senator Johnson: Adopting procedures for the collection of the sales tax on the sale of mobile homes by dealers or selling agents. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5858 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Lee, Sellar, Vognild, West.

Passed to Committee on Rules for second reading.

March 4, 1987

SB 5871 Prime Sponsor, Senator Peterson: Requiring child day care facilities at community colleges. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5871 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Smitherman, Warnke.

Referred to Committee on Ways and Means.

March 3, 1987

SB 5887 Prime Sponsor, Senator Wojahn: Providing for a moratorium on rate regulation by the hospital commission. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5887 be substituted therefor, and the substitute bill do pass. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Kreidler, Tanner.

Passed to Committee on Rules for second reading.

March 4, 1987

SB 5941 Prime Sponsor, Senator Kreidler: Revising provisions on hazardous waste. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 5941 be substituted therefor, and the substitute bill do pass. Signed by Senators Kreidler, Chairman; Bluechel, Hansen, Kiskaddon.

Passed to Committee on Rules for second reading.

March 4, 1987

SB 5957 Prime Sponsor, Senator Hansen: Revising provisions on weed control, obstructing vegetation, debris, snow, and ice control. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5957 be substituted therefor, and the substitute bill do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

March 4, 1987

SB 5985 Prime Sponsor, Senator Kreidler: Providing for a study for the reuse of abandoned railroad rights of way. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 5985 be substituted therefor, and the substitute bill do pass. Signed by Senators Kreidler, Chairman; Bluechel, Kiskaddon.

Passed to Committee on Rules for second reading.

March 4, 1987

SB 5986 Prime Sponsor, Senator Conner: Studying methods of oil spill damage assessment. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 5986 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Kreidler, Chairman; Bluechel, Hansen, Kiskaddon.

Referred to Committee on Ways and Means.

March 4, 1987

SB 6008 Prime Sponsor, Senator Rinehart: Permitting health personnel to be employed by all school districts. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 6008 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Patterson, Saling, Smitherman, Warnke.

Passed to Committee on Rules for second reading.

March 4, 1987

SB 6038 Prime Sponsor, Senator Wojahn: Permitting medicare-approved dialysis centers to disperse certain legend drugs. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Tanner.

Passed to Committee on Rules for second reading.

March 4, 1987

SB 6047 Prime Sponsor, Senator Moore: Designating the George F. Yantis interpretive center and grounds. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Pullen, Zimmerman.

Passed to Committee on Rules for second reading.

March 3, 1987

SJM 8006 Prime Sponsor, Senator Hansen: Petitioning the United States Department of Transportation to develop guidelines for implementing the Motor Carrier Safety Act. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Tanner, Vice Chairman; Bailey, Barr, Bender, Conner, DeJarnatt, Garrett, Halsan, Johnson, Nelson, Patterson, Sellar, Smitherman, von Reichbauer, West.

Passed to Committee on Rules for second reading.

March 3, 1987

SCR 8408 Prime Sponsor, Senator DeJarnatt: Reducing duplication in trucking regulations and enforcement. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Tanner, Vice Chairman; Bailey, Barr, Bender, Conner, DeJarnatt, Garrett, Halsan, Johnson, Nelson, Patterson, Sellar, Smitherman, von Reichbauer, West.

Passed to Committee on Rules for second reading.

#### MOTION

At 12:05 p.m., on motion of Senator Vognild, the Senate adjourned until 9:30 a.m., Friday, March 6, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## FIFTY-FOURTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Friday, March 6, 1987

The Senate was called to order at 9:33 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, Peterson, Tanner and Williams.

The Sergeant at Arms Color Guard, consisting of Pages Dan Roach and Jeremy Byers, presented the Colors. Reverend Phillip E. Norris, pastor of the Community Church of Lacey, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

March 5, 1987

SB 5073 Prime Sponsor, Senator Talmadge: Relating to waste disposal permit violations. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 5073 be substituted therefor, and the substitute bill do pass. Signed by Senators Kreidler, Chairman; Rinehart, Vice Chairman; Bluechel, Hansen

Passed to Committee on Rules for second reading.

March 4, 1987

SB 5263 Prime Sponsor, Senator Gaspard: Establishing a ratio of vocational education teachers to students. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman, Craswell, Deccio, Kreidler, Moore, Rinehart, Saling, Talmadge, Vognild, Warnke, Williams, Zimmerman.

Passed to Committee on Rules for second reading.

March 4, 1987

SB 5287 Prime Sponsor, Senator Kreidler: Creating two additional legal holidays for state employees. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5287 be substituted therefor, and the substitute bill do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, Talmadge.

MINORITY recommendation: Do not pass. Signed by Senator Zimmerman.

Passed to Committee on Rules for second reading.

March 4, 1987

SB 5289 Prime Sponsor, Senator Conner: Revising the definition of "veteran." Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5289 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; McCaslin, Talmadge.

Referred to Committee on Ways and Means.

March 5, 1987

SB 5324 Prime Sponsor, Senator Rasmussen: Providing for increase of Lake Washington salmon production. Reported by Committee on Rules

MAJORITY recommendation: Refer to Committee on Ways and Means. Signed by John A. Cherberg, Chairman; Senators Rasmussen, Vice Chairman; Bauer, Bender, Benitz, Bottiger, Conner, Fleming, Garrett, Hayner, Newhouse, Sellar, Vognild, von Reichbauer, Zimmerman.

Referred to Committee on Ways and Means.

March 5, 1987

SB 5353 Prime Sponsor, Senator Warnke: Providing for continuity of labor agreements. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Tanner, Vognild, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 5, 1987

SB 5375 Prime Sponsor, Senator Warnke: Creating the mobile homes, commercial coaches, recreational vehicles, and factory built housing and commercial structures account. Reported by Committee on Rules

MAJORITY recommendation: Refer to Committee on Ways and Means. Signed by John A. Cherberg, Chairman; Senators Rasmussen, Vice Chairman; Bauer, Bender, Benitz, Bottiger, Conner, Fleming, Garrett, Hayner, Newhouse, Sellar, Vognild, von Reichbauer, Zimmerman.

Referred to Committee on Ways and Means.

March 5, 1987

SB 5376 Prime Sponsor, Senator Rinehart: Implementing goals for the increased use of recovered material by state government. Reported by Committee on Rules

MAJORITY recommendation: Refer to Committee on Ways and Means. Signed by John A. Cherberg, Chairman; Senators Rasmussen, Vice Chairman; Bauer, Bender, Benitz, Bottiger, Conner, Fleming, Garrett, Hayner, Newhouse, Sellar, Vognild, von Reichbauer, Zimmerman.

Referred to Committee on Ways and Means.

March 4, 1987

SB 5382 Prime Sponsor, Senator Bauer: Revising the treatment authority of physical therapists. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Tanner.

Passed to Committee on Rules for second reading.

March 5, 1987

SB 5394 Prime Sponsor, Senator Warnke: Creating the Washington state sportsmen's commission. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5394 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; DeJarnatt, Vice Chairman; Barr, Patterson, Peterson, Rasmussen, Stratton.

Passed to Committee on Rules for second reading.

March 5, 1987

SB 5443 Prime Sponsor, Senator Barr: Changing procedures for appeals of actions on state-owned aquatic lands. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5443 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; Barr, Craswell, Patterson, Peterson, Rasmussen.

Passed to Committee on Rules for second reading.

March 5, 1987

SB 5473 Prime Sponsor, Senator Kreidler: Changing provisions relating to water quality discharge permits. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 5473 be substituted therefor, and the substitute bill do pass. Signed by Senators Kreidler, Chairman; Rinehart, Vice Chairman; Hansen.

Passed to Committee on Rules for second reading.

March 4, 1987

SB 5476 Prime Sponsor, Senator Bauer: Establishing programs to enhance children's ability to learn. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5476 as recommended by Committee on Education be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Fleming, Kreidler, Moore, Rinehart, Talmadge, Vognild, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 5, 1987

SB 5504 Prime Sponsor, Senator Vognild: Licensing private investigators. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5504 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Lee, Vognild, West.

Referred to Committee on Ways and Means.

March 5, 1987

SB 5515 Prime Sponsor, Senator Warnke: Revising vessel dealer registration. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5515 be substituted therefor, the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Cantu, Tanner, Vognild, West, Williams, Wojahn.

Referred to Committee on Ways and Means.

March 5, 1987

SB 5561 Prime Sponsor, Senator Warnke: Exempting sole proprietorships and partnerships which post a bond or other security from certain requirements for auction companies. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5561 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Anderson, Cantu, Tanner, Vognild, West, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 5, 1987

SB 5596 Prime Sponsor, Senator Vognild: Prescribing penalties for vagrancy. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5596 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Bottiger, McCaslin, Moore, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

March 4, 1987

SB 5598 Prime Sponsor, Senator Vognild: Establishing a distribution formula for grants to counties under the community mental services act. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5598 be substituted therefor, and the substitute bill do pass. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Tanner.

Passed to Committee on Rules for second reading.

March 5, 1987

SB 5599 Prime Sponsor, Senator Owen: Establishing receivership provisions for delinquent domestic water suppliers. Reported by Committee on Rules

MAJORITY recommendation: Refer to Committee on Ways and Means. Signed by John A. Cherberg, Chairman; Senators Rasmussen, Vice Chairman; Bauer, Bender, Benitz, Bottiger, Conner, Fleming, Garrett, Hayner, Newhouse, Sellar, Vognild, von Reichbauer, Zimmerman.

Referred to Committee on Ways and Means.

March 5, 1987

SB 5638 Prime Sponsor, Senator Halsan: Revising provisions relating to explosives. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Tanner, Vognild, West, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 5, 1987

SB 5641 Prime Sponsor, Senator Stratton: Extending time limit for game department policy for issuance of specified fishing license. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5641 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; DeJarnatt, Vice Chairman; Barr, Craswell, Patterson, Stratton.

Passed to Committee on Rules for second reading.

March 4, 1987

SB 5655 Prime Sponsor, Senator Wojahn: Providing for the restoration of civil rights. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5655 be substituted therefor, and the substitute bill do pass. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Tanner.

Passed to Committee on Rules for second reading.

March 5, 1987

SB 5671 Prime Sponsor, Senator Halsan: Adding rights and remedies available under consumer protection act to violations of chapter 19.120 RCW. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Bottiger, Moore.

MINORITY recommendation: Do not pass. Signed by Senators McCaslin, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

March 5, 1987

SB 5686 Prime Sponsor, Senator Hansen: Changing the tax payment schedule for agricultural property. Reported by Committee on Rules

MAJORITY recommendation: Refer to Committee on Ways and Means. Signed by John A. Cherberg, Chairman; Senators Rasmussen, Vice Chairman; Bauer, Bender, Benitz, Bottiger, Conner, Fleming, Garrett, Hayner, Newhouse, Sellar, Vognild, von Reichbauer, Zimmerman.

Referred to Committee on Ways and Means.

March 4, 1987

SB 5702 Prime Sponsor, Senator Metcalf: Authorizing construction or renovation of a tall ship to celebrate the state's centennial. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5702 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; Pullen, Zimmerman

MINORITY recommendation: Do not pass. Signed by Senators DeJarnatt, Talmadge.

Referred to Committee on Ways and Means.

March 5, 1987

SB 5753 Prime Sponsor, Senator Sellar: Specifying eligibility of city and county inmates for medical care under the limited casualty program. Reported by Committee on Rules

MAJORITY recommendation: Refer to Committee on Ways and Means. Signed by John A. Cherberg, Chairman; Senators Rasmussen, Vice Chairman; Bauer, Bender, Benitz, Conner, Garrett, Hayner, Newhouse, Sellar, Vognil, von Reichbauer, Zimmerman.

Referred to Committee on Ways and Means.

March 4, 1987

SB 5757 Prime Sponsor, Senator Stratton: Authorizing a feasibility study of state-wide data base clearinghouse for the prevention of child abuse and neglect. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Tanner.

Passed to Committee on Rules for second reading.

March 5, 1987

SB 5767 Prime Sponsor, Senator Warnke: Creating an office of mobile home affairs. Reported by Committee on Rules

MAJORITY recommendation: Refer to Committee on Ways and Means. Signed by John A. Cherberg, Chairman; Senators Rasmussen, Vice Chairman; Bauer, Bender, Benitz, Bottiger, Conner, Fleming, Garrett, Hayner, Newhouse, Sellar, Vognil, von Reichbauer, Zimmerman.

Referred to Committee on Ways and Means.

March 5, 1987

SB 5772 Prime Sponsor, Senator Warnke: Requiring certificate of competency for fire alarm electricians. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5772 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Tanner, Vognil, West, Williams, Wojahn.

Referred to Committee on Ways and Means.

March 5, 1987

SB 5776 Prime Sponsor, Senator Warnke: Revising community economic revitalization board statutes. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5776 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Tanner, Vognil, West, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 5, 1987

SB 5801 Prime Sponsor, Senator Warnke: Relating to industrial insurance. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5801 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Tanner, Vognild, West, Williams.

Passed to Committee on Rules for second reading.

March 5, 1987

SB 5853 Prime Sponsor, Senator Kreidler: Revising provisions relating to burning of forest debris. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 5853 be substituted therefor, and the substitute bill do pass. Signed by Senators Kreidler, Chairman; Rinehart, Vice Chairman; Hansen

Passed to Committee on Rules for second reading.

March 5, 1987

SB 5858 Prime Sponsor, Senator Johnson: Adopting procedures for the collection of the sales tax on the sale of mobile homes by dealers or selling agents. Reported by Committee on Rules

MAJORITY recommendation: Refer to Committee on Ways and Means. Signed by John A. Cherberg, Chairman; Senators Rasmussen, Vice Chairman; Bauer, Bender, Benitz, Bottiger, Conner, Fleming, Garrett, Hayner, Newhouse, Sellar, Vognild, von Reichbauer, Zimmerman.

Referred to Committee on Ways and Means.

March 4, 1987

SB 5892 Prime Sponsor, Senator Smitherman: Modifying the binding site plan exemption to land subdivision requirements. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5892 be substituted therefor, and the substitute bill do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Zimmerman.

Passed to Committee on Rules for second reading.

March 5, 1987

SB 5938 Prime Sponsor, Senator Cantu: Restricting trapping activities on private property. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; DeJarnatt, Vice Chairman; Craswell, Patterson, Peterson, Stratton.

Passed to Committee on Rules for second reading.

March 5, 1987

SB 5945 Prime Sponsor, Senator Cantu: Changing provisions relating to readjustments of workers' compensation. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Tanner, Vognild, West.

Passed to Committee on Rules for second reading.

March 5, 1987

SB 5956 Prime Sponsor, Senator West: Authorizing counties bordering Idaho to impose an excise tax on nonresidents working in Washington state. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Tanner, Vognild, West, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 5, 1987

SB 5978 Prime Sponsor, Senator Bottiger: Prohibiting the use of tributyltin in paints. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 5978 be substituted therefor, and the substitute bill do pass. Signed by Senators Kreidler, Chairman; Rinehart, Vice Chairman; Hansen.

Passed to Committee on Rules for second reading.

March 5, 1987

SB 5984 Prime Sponsor, Senator Kreidler: Revising provisions relating to wetlands protection. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 5984 be substituted therefor, and the substitute bill do pass. Signed by Senators Kreidler, Chairman; Rinehart, Vice Chairman; Bluechel.

MINORITY recommendation: Do not pass. Signed by Senator Hansen.

Passed to Committee on Rules for second reading.

March 5, 1987

SB 6001 Prime Sponsor, Senator Warnke: Relating to classified school district employee's benefits. Reported by Committee on Rules

MAJORITY recommendation: Refer to Committee on Ways and Means. Signed by John A. Cherberg, Chairman; Senators Rasmussen, Vice Chairman; Bauer, Bender, Benitz, Bottiger, Conner, Fleming, Garrett, Hayner, Newhouse, Sellar, von Reichbauer, Zimmerman.

Referred to Committee on Ways and Means.

March 4, 1987

SB 6013 Prime Sponsor, Senator Kreidler: Establishing the office of child care resources. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6013 be substituted therefor, and the substitute bill do pass. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Tanner.

Passed to Committee on Rules for second reading.

March 5, 1987

SB 6037 Prime Sponsor, Senator Nelson: Adopting the parenting act of 1987. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Bottiger, McCaslin, Moore, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

March 4, 1987

SB 6048 Prime Sponsor, Senator Talmadge: Revising provisions on civil actions and liabilities. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6048 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Moore, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

March 5, 1987

SB 6061 Prime Sponsor, Senator Nelson: Relating to exempting certain community docks from the substantial development requirements of the shoreline management act. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 6061 be substituted therefor, and the substitute bill do pass. Signed by Senators Kreidler, Chairman; Rinehart, Vice Chairman; Bluechel, Hansen.

Passed to Committee on Rules for second reading.

March 5, 1987

SJM 8012 Prime Sponsor, Senator West: Requesting Congress to change tax laws affecting employees of common carriers who cross state lines. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Joint Memorial No. 8012 be substituted therefor, and the substitute memorial do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Tanner, Vognild, West, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 5, 1987

SJM 8013 Prime Sponsor, Senator West: Requesting Idaho to exempt certain nonresident employees of common carriers from its state income tax. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Joint Memorial No. 8013 be substituted therefor, and the substitute memorial do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Tanner, Vognild, West, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 4, 1987

SJR 8211 Prime Sponsor, Senator Halsan: Authorizing reorganization of the executive branch. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Joint Resolution No. 8211 be substituted therefor, and the substitute resolution do pass. Signed by Halsan, Chairman; DeJarnatt, McCaslin, Zimmerman.

MINORITY recommendation: Do not pass. Signed by Senators Garrett, Vice Chairman; Talmadge.

Passed to Committee on Rules for second reading.

March 5, 1987

SCR 8409 Prime Sponsor, Senator Talmadge: Modifying juvenile disposition standards. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Bottiger, McCaslin, Moore, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

#### INTRODUCTION AND FIRST READING

SB 6062 by Senator Warnke

AN ACT Relating to gambling.

Referred to Committee on Commerce and Labor.

SB 6063 by Senators Bailey and Bender

AN ACT Relating to the promotion of Washington health products and services; creating new sections; and making an appropriation.

Referred to Committee on Commerce and Labor.

SB 6064 by Senators McDermott and Deccio

AN ACT Relating to the local excise tax on lodgings for purposes of stadium, convention, performing arts, and visual arts facilities in counties currently imposing the county-option tax upon transactions simultaneously subject to the lodgings tax of a city or cities; and amending RCW 67.28.180.

Referred to Committee on Ways and Means.

SB 6065 by Senator Nelson

AN ACT Relating to the preservation of records of collection agencies; and amending RCW 19.16.230.

Referred to Committee on Commerce and Labor.

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

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Talmadge, Gubernatorial Appointment No. 9036, John D. Sweesy, as a member of the Human Rights Commission, was confirmed.

APPOINTMENT OF JOHN D. SWEESY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; absent, 4.

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

Absent: Senators Bauer, Peterson, Tanner, Williams - 4.

MOTION

On motion of Senator Bender, Senators Bauer, Peterson, Tanner and Williams were excused.

MOTION

On motion of Senator Talmadge, Gubernatorial Appointment No. 9043, Judge David R. LaRose, as Chief Administrative Law Judge, was confirmed.

APPOINTMENT OF JUDGE DAVID R. LaROSE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

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

Excused: Senators Bauer, Peterson, Tanner, Williams - 4.

SECOND READING

SENATE BILL NO. 5299, by Senators Warnke, Lee, Vognild, Smitherman, Anderson and Kiskaddon

Revising laws relating to massage therapy.

MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 5299 was substituted for Senate Bill No. 5299 and the substitute bill was placed on second reading and read the second time.

Senator Warnke moved the following amendments be considered simultaneously and adopted:

On page 6, beginning on line 18, strike all material through "board." on page 7, line 11 and insert the following:

"Sec. 9. Section 2, chapter 280, Laws of 1975 1st ex. sess. as last amended by section 56, chapter 279, Laws of 1984 and by section 53, chapter 287, Laws of 1984 and RCW 18.108.020 are each reenacted and amended to read as follows:

The Washington state ~~board~~ ~~of~~ ~~massage~~ ~~((examining~~ ~~board))~~ is hereby created. The board shall consist of ~~((three))~~ four members who shall be appointed by the governor for a term of ~~((three))~~ four years each. Members shall be residents of this state and shall have not less than three years experience in the practice of massage immediately preceding their appointment and shall be licensed under this chapter and actively engaged in the practice of massage during their incumbency. ~~((Within thirty days after September 8, 1975, three members shall be appointed by the governor to serve one, two, and three years respectively.))~~

In addition to the members specified in this section, the governor shall appoint a consumer member of the board, who shall serve for a term of ~~((three))~~ four years. The consumer member of the board shall be an individual who does not derive his or her livelihood by providing health care services or massage therapy and is not a licensed health professional. The consumer member shall not be an employee of the state nor a present or former member of another licensing board.

In the event that a member cannot complete his or her term of office, another appointment shall be made by the governor in accordance with the procedures stated in this section to fill the remainder of the term. No member may serve more than two successive terms ~~((and shall qualify and receive a license pursuant to this chapter within ninety days of their appointment))~~ whether full or partial. The governor may remove any member of the board for neglect of duty, incompetence, or unprofessional or disorderly conduct as determined under chapter 18.130 RCW.

~~((Subject to the approval of the director, the board shall have the power to promulgate rules and regulations not inconsistent with the law and which may be necessary for the performance of its duties. It shall be the duty of the board to pass upon the qualifications of applicants for licenses, prepare the necessary examination questions and practical demonstrations; conduct examinations from time to time in such places as the director designates, and to determine the applicants who successfully passed the examination, and in turn notify the director of such determinations.))~~

Each member of the board shall be compensated in accordance with RCW 43.03.240. Members shall be reimbursed for travel expenses incurred in the actual performance of their duties, as provided in RCW 43.03.050 and 43.03.060.

The board may annually elect a chairperson to direct the meetings of the board. The board shall meet at least four times each year and may hold additional meetings as called by the chairperson or the director. Three members of the board shall constitute a quorum of the board.

On page 9, line 11, after "(1)" strike everything through "(2)" on line 15.

Renumber the remaining subsections consecutively.

On page 9, line 33, after "Sections 1" strike "and 8" and insert ", 8, and 10"

Debate ensued.

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

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

#### MOTIONS

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

On page 8, line 12, "disciplining of" strike "licensees" and insert "persons"

On motion of Senator Warnke, the following title amendments were considered simultaneously and adopted:

On page 1, line 2 of the title, after "18.108.070;" insert "reenacting and amending RCW 18.108.020;"

On page 1, line 3 of the title, after "repealing RCW" strike "18.108.020,"

#### MOTION

On motion of Senator Warnke, the rules were suspended, Engrossed Substitute Senate Bill No. 5299 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5299.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5299 and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Sailing, Sellar, Smitherman, Stratton, Talmadge, Vogtld, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 44.

Voting nay: Senator Craswell - 1.

Excused: Senators Bauer, Peterson, Tanner, Williams - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5299, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Bill No. 5159 and the pending amendment by Senators Rasmussen, Gaspard, Wojahn, Bottiger and Smitherman, deferred March 5, 1987.

#### RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Vognild, the President finds that Senate Bill No. 5159 is a measure revising the reimbursement formula for the Puget Island-Westport Ferry.

"The amendment proposed by Senators Rasmussen, Gaspard, Wojahn, Bottiger and Smitherman revises the reimbursement formula for the ferries operated by Pierce, Skagit and Whatcom Counties.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senators Rasmussen, Gaspard, Wojahn, Bottiger and Smitherman was ruled out of order.

#### MOTION

On motion of Senator Hansen, the rules were suspended, Senate Bill No. 5159 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5159.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5159 and the bill passed the Senate by the following vote: Yeas, 40; nays, 5; excused, 4.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Sellar, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Wojahn, Zimmerman - 40.

Voting nay: Senators Anderson, McCaslin, McDonald, Saling, West - 5.

Excused: Senators Bauer, Peterson, Tanner, Williams - 4.

SENATE BILL NO. 5159, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5401, by Senators Kreidler, Sellar, Wojahn, McDermott, Bottiger, Zimmerman, Lee, Talmadge, Bluechel, Vognild, Fleming, Bender, Bailey, Garrett, Rinehart, Bauer, Moore, Hansen, Saling and Gaspard

Changing provisions relating to the natural death act.

#### MOTION

On motion of Senator Wojahn, Substitute Senate Bill No. 5401 was substituted for Senate Bill No. 5401 and the substitute bill was placed on second reading and read the second time.

#### MOTION

At 10:13 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 11:13 a.m. by President Cherberg.

#### SECOND READING

SENATE BILL NO. 5178, by Senators Moore, Metcalf, Bender, Johnson, Smitherman, Pullen, Newhouse and Fleming

Authorizing limited commodity brokers license and providing additional exceptions to RCW 21.30.020.

The bill was read the second time.

## MOTION

Senator Moore moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION.** Sec. 1. The legislature intends that this chapter, and any rules, regulations, or orders promulgated pursuant hereto, apply to transactions in commodities which constitute commodity contracts or commodity options as defined in this chapter, unless the context clearly requires otherwise.

Sec. 2. Section 1, chapter 14, Laws of 1986 and RCW 21.30.010 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Administrator" means the person designated by the director in accordance with the provisions of RCW 21.20.460.

(2) "Board of trade" means any person or group of persons engaged in buying or selling any commodity or receiving any commodity for sale on consignment, whether such person or group of persons is characterized as a board of trade, exchange, or other form of marketplace.

(3) "Director" means the director of the department of licensing.

(4) "Commodity broker-dealer" means, for the purposes of registration in accordance with this chapter, any person engaged in the business of making offers, sales, or purchases of commodities under commodity contracts or under commodity options.

(5) "Commodity sales representative" means, for the purposes of registration in accordance with this chapter, any person (~~employed by or representing~~) authorized to act and acting for a commodity broker-dealer ((or issuer in making an offer, sale, or purchase of any commodity under any)) in effecting or attempting to effect a transaction in a commodity contract or ((under)) commodity option.

(6) "Commodity exchange act" means the act of congress known as the commodity exchange act, as amended, codified at 7 U.S.C. Sec. 1 et seq.

(7) "Commodity futures trading commission" means the independent regulatory agency established by congress to administer the commodity exchange act.

(8) "CFTC rule" means any rule, regulation, or order of the commodity futures trading commission in effect on October 1, 1986, and all subsequent amendments, additions, or other revisions thereto, unless the administrator, within ten days following the effective date of any such amendment, addition, or revision, disallows the application thereof by rule or order.

(9) "Commodity" means, except as otherwise specified by the director by rule or order, any agricultural, grain, or livestock product or by-product, any metal or mineral (including a precious metal set forth in subsection (17) of this section), any gem or gemstone (whether characterized as precious, semiprecious, or otherwise), any fuel (whether liquid, gaseous, or otherwise), any foreign currency, and all other goods, articles, products, or items of any kind. However, the term commodity does not include (a) a numismatic coin whose fair market value is at least fifteen percent higher than the value of the metal it contains, (b) real property or any timber, agricultural, or livestock product grown or raised on real property and offered or sold by the owner or lessee of such real property, or (c) any work of art offered or sold by art dealers, at public auction, or offered or sold through a private sale by the owner thereof.

(10) "Commodity contract" means any account, agreement, or contract for the purchase or sale, primarily for speculation or investment purposes and not for use or consumption by the offeree or purchaser, of one or more commodities, whether for immediate or subsequent delivery or whether delivery is intended by the parties, and whether characterized as a cash contract, deferred shipment or deferred delivery contract, forward contract, futures contract, installment or margin contract, leverage contract, or otherwise. Any commodity contract offered or sold shall, in the absence of evidence to the contrary, be presumed to be offered or sold for speculation or investment purposes. A commodity contract shall not include any contract or agreement which requires, and under which the purchaser receives, within twenty-eight calendar days from the payment in good funds of any portion of the purchase price, physical delivery of the total amount of each commodity to be purchased under the contract or agreement.

(11) "Commodity option" means any account, agreement, or contract giving a party thereto the right to purchase or sell one or more commodities and/or one or more commodity contracts, whether characterized as an option, privilege, indemnity, bid, offer, put, call, advance guaranty, decline guaranty or otherwise, but does not include a commodity option traded on a national securities exchange registered with the United States securities and exchange commission.

(12) "Commodity merchant" means any of the following, as defined or described in the commodity exchange act or by CFTC rule:

- (a) Futures commission merchant;
- (b) Commodity pool operator;
- (c) Commodity trading advisor;
- (d) Introducing broker;
- (e) Leverage transaction merchant;

(f) An associated person of any of the foregoing;  
 (g) Floor broker; and  
 (h) Any other person (other than a futures association) required to register with the commodity futures trading commission.

(13) "Financial institution" means a bank, savings institution, or trust company organized under, or supervised pursuant to, the laws of the United States or of any state.

(14) "Offer" or "offer to sell" includes every offer, every attempt to offer to dispose of, or solicitation of an offer to buy, to purchase, or to acquire, for value.

(15) "Sale" or "sell" includes every sale, contract of sale, contract to sell, or disposition, for value.

(16) "Person" means an individual, a corporation, a partnership, an association, a joint-stock company, a trust where the interests of the beneficiaries are evidenced by a security, an unincorporated organization, a government, or a political subdivision of a government, but does not include a contract market designated by the commodity futures trading commission or any clearinghouse thereof or a national securities exchange registered with the United States securities and exchange commission (or any employee, officer, or director of such contract market, clearinghouse, or exchange acting solely in that capacity).

(17) "Precious metal" means:

(a) Silver, in either coin, bullion, or other form;

(b) Gold, in either coin, bullion, or other form;

(c) Platinum, in either coin, bullion, or other form; and

(d) Such other items as the director may specify by rule or order.

Sec. 3. Section 3, chapter 14, Laws of 1986 and RCW 21.30.030 are each amended to read as follows:

The prohibition in RCW 21.30.020 does not apply to any transaction offered by and in which any of the following persons (or any employee, officer, or director thereof acting solely in that capacity) is the purchaser or seller:

(1) A person registered with the commodity futures trading commission as a futures commission merchant or as a leverage transaction merchant but only as to those activities that require such registration;

(2) A person affiliated with, and whose obligations and liabilities are guaranteed by, a person referred to in subsection (1) or (5) of this section;

(3) A person who is a member of a contract market designated by the commodity futures trading commission (or any clearinghouse thereof);

(4) A financial institution;

(5) A person registered under chapter 21.20 RCW as a securities broker-dealer holding a general securities license whose activities require such registration; ((or))

(6) A person registered as a commodity broker-dealer or commodity sales representative in accordance with this chapter; or

(7) Any person who meets all of the following conditions:

(a) Prior to engaging in any transaction which would otherwise be prohibited under RCW 21.30.020, the person:

(i) Files a claim of exemption on a form prescribed by the director; and

(ii) Files a consent to service of process pursuant to RCW 21.30.190;

(b) The person engages only in those commodity transactions in which the purchaser pays, and the seller receives, one hundred percent of the purchase price in cash or cash equivalent within ten days of the contract of sale;

(c) The person receives no more than twenty-five percent of the total dollar amount of its gross sales of commodities in any fiscal year from commodity contracts or commodity options;

(d) The person's gross profit on all transactions in commodity contracts or commodity options does not exceed five hundred thousand dollars in the fiscal year immediately preceding any year for which the person claims the exemption contained in this subsection, or one million dollars in the two fiscal years immediately preceding any year for which the person claims the exemption.

"Registered," for the purposes of this section, means holding a registration that has not expired, been suspended, or been revoked. The exemptions under this section shall not apply to any transaction or activity which is prohibited by the commodity exchange act or CFTC rule.

Sec. 4. Section 4, chapter 14, Laws of 1986 and RCW 21.30.040 are each amended to read as follows:

(1) The prohibition in RCW 21.30.020 does not apply to the following:

(a) An account, agreement, or transaction within the exclusive jurisdiction of the commodity futures trading commission as granted under the commodity exchange act;

(b) A commodity contract for the purchase of one or more precious metals ((which requires, and under which the purchaser receives, within seven calendar days from the payment in good funds of any portion of the purchase price, physical delivery of the quantity of the precious metals purchased by such payment. However, for purposes of this paragraph, physical delivery is deemed to have occurred if, within such seven-day period)) in which, within seven calendar days from the payment in good funds of any portion of the purchase

price, the quantity of precious metals purchased by the payment is delivered (whether in specifically segregated or fungible bulk form) into the possession of a depository (other than the seller) which is either (i) a financial institution, (ii) a depository the warehouse receipts of which are recognized for delivery purposes for any commodity on a contract market designated by the commodity futures trading commission, (iii) a storage facility licensed or regulated by the United States or any agency thereof, or (iv) a depository designated by the director, and the depository (or other person which itself qualifies as a depository as aforesaid) issues and the purchaser receives, a certificate, document of title, confirmation, or other instrument evidencing that the quantity of precious metals has been delivered to the depository and is being and will continue to be held by the depository on the purchaser's behalf, free and clear of all liens and encumbrances, other than liens of the purchaser, tax liens, liens agreed to by the purchaser, or liens of the depository for fees and expenses, which have previously been disclosed to the purchaser;

(c) A commodity contract solely between persons engaged in producing, processing, using commercially, or handling as merchants each commodity subject thereto, or any by-products thereof; or

(d) A commodity contract under which the offeree or the purchaser is a person referred to in RCW 21.30.030, a person registered with the federal securities and exchange commission as a broker-dealer, an insurance company, an investment company as defined in the federal investment company act of 1940, or an employee pension and profit sharing or benefit plan (other than a self-employed individual retirement plan, or individual retirement account).

(2) The director may issue rules or orders prescribing the terms and conditions of all transactions and contracts covered by this chapter which are not within the exclusive jurisdiction of the commodity futures trading commission as granted by the commodity exchange act, exempting any person or transaction from any provision of this chapter conditionally or unconditionally and otherwise implementing this chapter for the protection of purchasers and sellers of commodities.

Sec. 5. Section 20, chapter 14, Laws of 1986 and RCW 21.30.190 are each amended to read as follows:

(1) Every applicant for registration under this chapter or person filing a claim of exemption under RCW 21.30.030(7) shall file with the administrator in such form as the administrator by rule prescribes, an irrevocable consent appointing the administrator or successor in office to be his or her attorney to receive service of any lawful process in any noncriminal suit, action, or proceeding against the applicant or successor executor or administrator which arises under this chapter or any rule or order hereunder after the consent has been filed, with the same force and validity as if served personally on the person filing the consent. Service may be made by leaving a copy of the process in the office of the administrator, but it is not effective unless (a) the plaintiff, who may be the administrator in a suit, action, or proceeding instituted by the administrator, forthwith sends notice of the service and a copy of the process by registered mail to the defendant or respondent at the last address on file with the administrator, and (b) the plaintiff's affidavit of compliance with this subsection is filed in the case on or before the return day of the process, if any, or within such further time as the court allows.

(2) If a person, including a nonresident of this state, engages in conduct prohibited or made actionable by this chapter or any rule or order of the director, the engaging in the conduct shall constitute the appointment of the administrator as the person's attorney to receive service of any lawful process in a noncriminal proceeding against the person, a successor, or personal representative, which arises out of that conduct and which is brought under this chapter or any rule or order of the director with the same force and validity as if served personally.

Sec. 6. Section 36, chapter 14, Laws of 1986 and RCW 21.30.350 are each amended to read as follows:

(1) The administrator may, by order, deny, suspend, or revoke any license or an exemption granted under RCW 21.30.030(7), limit the activities which an applicant or licensed person may perform in this state, conserve any applicant or licensed person, or bar any applicant or licensed person from association with a licensed commodity broker-dealer, if the administrator finds that (a) the order is in the public interest and (b) that the applicant or licensed person or, in the case of a commodity broker-dealer any partner, officer, or director, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the commodity broker-dealer:

(i) Has filed an application for licensing with the administrator or the designee of the administrator which, as of its effective date, or as of any date after filing in the case of an order denying effectiveness, was incomplete in any material respect or contained any statement which was, in light of the circumstances under which it was made, false or misleading with respect to any material fact;

(ii) (A) Has violated or failed to comply with a provision of this chapter, a predecessor act, or a rule or order under this chapter or a predecessor act, (B) is the subject of an adjudication or determination within the last five years by a securities agency or administrator or court of competent jurisdiction that the person has willfully violated the federal securities act of 1933, the

securities exchange act of 1934, the investment advisers act of 1940, the investment company act of 1940, or the commodity exchange act, or the securities law of any other state (but only if the acts constituting the violation of that state's law would constitute a violation of this chapter had the acts taken place in this state):

(iii) Has, within the last ten years, pled guilty or nolo contendere to, or been convicted of any crime indicating a lack of fitness to engage in the investment commodities business;

(iv) Is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in, or continuing, any conduct or practice indicating a lack of fitness to engage in the investment commodities business;

(v) Is the subject of an order of the administrator denying, suspending, or revoking the person's license as a commodity or securities broker-dealer, securities salesperson or commodity sales representative, or investment adviser or investment adviser salesperson;

(vi) Is the subject of any of the following orders which are currently effective and which were issued within the last five years:

(A) An order by a securities agency or administrator of another state, Canadian province or territory, or the federal securities and exchange commission, entered after notice and opportunity for hearing, denying, suspending, or revoking the person's license as a commodities or securities broker-dealer, sales representative, or investment adviser, or the substantial equivalent of those terms;

(B) A suspension or expulsion from membership in or association with a self-regulatory organization registered under the securities exchange act of 1934 or the commodity exchange act;

(C) A United States postal service fraud order;

(D) A cease and desist order entered after notice and opportunity for hearing by the administrator or the securities agency or administrator of any other state, Canadian province or territory, the securities and exchange commission, or the commodity futures trading commission;

(E) An order entered by the commodity futures trading commission denying, suspending, or revoking registration under the commodity exchange act;

(vii) Has engaged in any unethical or dishonest conduct or practice in the investment commodities or securities business;

(viii) Is insolvent, either in the sense that liabilities exceed assets, or in the sense that obligations cannot be met as they mature;

(ix) Is not qualified on the basis of such factors as training, experience, and knowledge of the investment commodities business;

(x) Has failed reasonably to supervise sales representatives or employees; or

(xi) Has failed to pay the proper filing fee within thirty days after being notified by the administrator of the deficiency. However, the administrator shall vacate any order under (xi) of this subsection when the deficiency has been corrected.

An order entered under this subsection shall be governed by subsection (2) of this section and RCW 21.30.200 and 21.30.210.

The administrator shall not institute a suspension or revocation proceeding on the basis of a fact or transaction disclosed in the license application unless the proceeding is instituted within the next ninety days following issuance of the license.

(2) If the public interest or the protection of investors so requires, the administrator may, by order, summarily suspend a license or postpone the effective date of a license. Upon the entry of the order, the administrator shall promptly notify the applicant or licensed person, as well as the commodity broker-dealer with whom the person is or will be associated if the applicant or licensed person is a commodity sales representative, that an order has been entered and of the reasons therefore and that within twenty days after the receipt of a written request the matter will be set down for hearing. The provisions of RCW 21.30.200 and 21.30.210 apply with respect to all subsequent proceedings.

(3) If the administrator finds that any applicant or licensed person is no longer in existence or has ceased to do business as a commodity broker-dealer or commodity sales representative or is subject to an adjudication of mental incompetence or to the control of a committee, conservator, or guardian, or cannot be located after reasonable search, the administrator may, by order, cancel the application or license."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Moore.

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

#### MOTIONS

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

On page 1, line 1 of the title, after "commodities;" strike the remainder of the title and insert "amending RCW 21.30.010, 21.30.030, 21.30.040, 21.30.190, and 21.30.350; and creating a new section."

On motion of Senator Moore, the rules were suspended, Engrossed Senate Bill No. 5178 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Moore, I am looking at two amendments that I have here on my desk, both listed as second drafts and I don't find the part—on page 10, line 18, that says, 'in which within seven calendar days from the payment in good funds of any portion of the purchase price.' What are 'good funds?'"

Senator Moore: "Senator Rasmussen, 'good funds' means that the buyer has put up his money and it has been guaranteed by some bank or it's conceivable that he could put it up in cash."

Senator Rasmussen: "The second question, Senator Moore, has to do with the \$500,000 exemption for those that make less than \$500,000 in transaction profit. Are they allowed to be exempted?"

Senator Moore: "Yes, they are. Any brokerage firm doing business in this area, legitimately, will probably do—a tiny company would do \$500,000 in a month and many companies do \$500,000 in a day."

Senator Rasmussen: "\$500,000 gross profit?"

Senator Moore: "\$500,000 gross profit."

Senator Rasmussen: "Thank you. That seems like a large sum gross profit to exempt."

Senator Moore: "Well, when you think that that's what they do in one day, some of them, and I would think—to my knowledge nobody does less than that much in a month."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5178.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5178 and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent, 1; excused, 3.

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

Voting nay: Senator Rasmussen - 1.

Absent: Senator Sellar - 1.

Excused: Senators Bauer, Peterson, Tanner - 3.

ENGROSSED SENATE BILL NO. 5178, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### INTRODUCTION OF SPECIAL GUEST

The President introduced Mr. Gary K. Carlson, Executive Director for the Office of the Secretary of Defense who was seated with him on the rostrum.

With permission of the Senate, business was suspended to permit Mr. Carlson to address the Senate.

#### SECOND READING

SENATE BILL NO. 5558, by Senators Gaspard, Bauer, Bailey, Smitherman, Benitz, Barr, McDonald, Bender, Craswell, Conner, Rasmussen, Kreidler, Williams, Hayner, Nelson, West and von Reichbauer

Providing grants to Washington state scholars attending independent colleges or universities.

The bill was read the second time.

#### MOTIONS

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

On page 1, line 14, after "basis," insert "the average of"

On page 1, line 16, strike "Washington State University" and insert "all state four-year institutions of higher education"

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

Beginning on page 1, line 24, after "recipients" strike all the material down to and including "standards." on page 2, line 6, and insert "shall meet the same requirements as students eligible for a waiver under RCW 28B.15.543."

Senator Gaspard moved that the following amendment be adopted:

On page 1, line 7, after "(1)", strike all material through "available" on line 11, and insert: "No more than thirty-three percent of the total number of recipients of the Washington scholars award under RCW 28A.58.820 through 28A.58.830 may receive grants under this section in any given year to attend an independent college or university in this state, as defined in subsection (4) of this section"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Gaspard.

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

#### MOTION

On motion of Senator Gaspard, the rules were suspended, Engrossed Senate Bill No. 5558 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Zimmerman: "Senator Gaspard, in Section 2, it says, 'a student is not eligible for an award under this section if the student is pursuing a degree in theology.' What was the reason for that part of the bill?"

Senator Gaspard: "Yes, Senator Zimmerman. In our view, it was necessary for the separation of the church and state issue."

Senator Zimmerman: "Theology is not being taught in any of the public institutions of this state? I mean philosophy is taught; I am concerned about your narrowing of the bill--interpreting that particular phrase. Is not there, those of you who know more of curriculum, do they not teach theology at the University of Washington?"

Senator Gaspard: "Senator Zimmerman, I don't know off hand, but I am not aware if there is a degree in theology."

Senator Zimmerman: "That particular part--we just noticed this part, not being on the committee."

Senator Gaspard: "Senator Zimmerman, when we drafted the bill with the code reviser, it was their suggestion and private institutions agreed with it. If you want to set the bill over and try to get an answer to this question, that's fine with us."

Senator Zimmerman: "Would you mind doing that? Fine."

Further debate ensued.

#### MOTION

On motion of Senator Pullen, further consideration of Engrossed Senate Bill No. 5558 was deferred.

#### PERSONAL PRIVILEGE

Senator Zimmerman: "Members of the Senate, some of us had to be absent for a while yesterday morning, so I was not here at the time the resolution was taken up on the floor regarding Trooper James Gain of Clark County. I wanted to say a word in his regard simply because two years ago in December of 1985, Trooper Gain was called on to take me--he gave me a ride which I needed, essentially, to get back to Clark County--and I had the opportunity to visit with him on the trip from Cowlitz to Clark County. I found him to be an incredibly bright, interesting and very, very able person. We discussed a wide variety of subjects and I also learned a great deal about the Washington State Patrol that I had not known. I had not known that he had served here in Olympia at the very time that some of us--a

few of us--came to the Legislature in 1967. That was the first year we were here. He was working the mansion as a cadet trooper at that time.

"He was one of those typically tall and amazingly big, impressive men, so it was with deep sadness that we learned of his tragic death early this week and I am sorry I was not able to be present yesterday in terms of this particular resolution. I did want you to recognize and have recognized, of course, his funeral being today, that there is the opportunity for people who wish, to help in terms of the Washington State Trooper Association in Vancouver. I found him to be an incredible man and I just wanted to add my words to the memory of this particular individual who served the state so well."

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5401, deferred on second reading earlier today.

#### MOTION

Senator Craswell moved that the following amendment by Senators Craswell and Stratton be adopted:

On page 2, beginning on line 22, after "treatment" strike all material through "law," on line 12 and insert ". Decisions regarding the withholding or withdrawal of life-sustaining treatments are exclusively regulated by this chapter."

#### MOTION

On motion of Senator Vognild, further consideration of Substitute Senate Bill No. 5401 was deferred.

#### SECOND READING

SENATE BILL NO. 5265, by Senator Warnke (by request of Liquor Control Board)

Eliminating certain restrictions on purchase of beer by licensed beer retailers.

The bill was read the second time.

#### MOTIONS

On motion of Senator Vognild, the following Committee on Commerce and Labor amendment was adopted:

On page 1, line 8, after "wholesaler," strike all material down to and including "refund" on line 12 and insert ": PROVIDED, That a beer retailer licensee may purchase beer from a government agency which has lawfully seized beer from a licensed beer retailer, or from a board authorized retailer, or from a licensed retailer who has discontinued business: PROVIDED, That such purchased beer meets quality standards set by its manufacturer and where the wholesaler has refused to accept beer from that retailer for return and refund"

On motion of Senator Warnke, the rules were suspended, Engrossed Senate Bill No. 5265 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5265.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5265 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

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

Excused: Senators Bauer, Peterson, Tanner - 3.

ENGROSSED SENATE BILL NO. 5265, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTIONS

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Vognild, the Committee on Human Services and Corrections was relieved of further consideration of Senate Bill No. 6063.

On motion of Senator Vognild, Senate Bill No. 6063 was referred to the Committee on Commerce and Labor.

#### MOTION

At 11:57 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 1:55 p.m. by President Cherberg.

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

#### REPORTS OF STANDING COMMITTEES

March 5, 1987

SB 5052 Prime Sponsor, Senator Rasmussen: Requiring protective measures for child passengers on motorcycles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Tanner, Vice Chairman; Bailey, Conner, DeJarnatt, Johnson, Patterson, Smitherman, West.

Passed to Committee on Rules for second reading.

March 5, 1987

SB 5064 Prime Sponsor, Senator Saling: Certifying radiological technologists. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5064 as recommended by Committee on Human Services and Corrections be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Cantu, Fleming, Lee, McDonald, Rinehart, Saling, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 4, 1987

SB 5086 Prime Sponsor, Senator Halsan: Revising provisions on community supervision. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5086 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Cantu, Craswell, Fleming, Hayner, Kreidler, McDonald, Moore, Owen, Rinehart, Saling, Talmadge, Vognild, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 5, 1987

SB 5129 Prime Sponsor, Senator Talmadge: Authorizing revenue bonds for a toll bridge on First Avenue South in Seattle. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Tanner, Vice Chairman; Bailey, Barr, Bender, Conner, DeJarnatt, Garrett, Halsan, Johnson, Nelson, Patterson, Smitherman, von Reichbauer, West.

Passed to Committee on Rules for second reading.

March 5, 1987

SB 5145 Prime Sponsor, Senator Talmadge: Authorizing local governments to impose a special sales and use tax for graffiti removal. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5145 be substituted therefor, and the substitute bill do pass. Signed by Senators Halsan, Chairman; DeJarnatt, McCaslin, Talmadge.

Passed to Committee on Rules for second reading.

March 6, 1987

SB 5257 Prime Sponsor, Senator Moore: Establishing the banking advisory council. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 5257 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Fleming, McDermott, Metcalf, von Reichbauer.

Passed to Committee on Rules for second reading.

March 6, 1987

SB 5287 Prime Sponsor, Senator Kreidler: Creating two additional legal holidays for state employees. Reported by Committee on Rules

MAJORITY recommendation: Refer to Committee on Ways and Means. Signed by John A. Cherberg, Chairman; Senators Rasmussen, Vice Chairman; Bender, Bottiger, Conner, Fleming, Hayner, Newhouse, Sellar, Vognild, von Reichbauer, Zimmerman.

Referred to Committee on Ways and Means.

March 5, 1987

SB 5313 Prime Sponsor, Senator Kiskaddon: Providing programs to promote personal development and self-esteem. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5313 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Saling, Smitherman, Warnke.

Passed to Committee on Rules for second reading.

March 2, 1987

SB 5334 Prime Sponsor, Senator Bauer: Authorizing the transportation of private school students on public school buses. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5334 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Bailey, Benitz, Smitherman, Warnke.

Passed to Committee on Rules for second reading.

March 5, 1987

SB 5335 Prime Sponsor, Senator Halsan: Changing provisions relating to boundary review boards. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; DeJarnatt, McCaslin, Zimmerman.

Passed to Committee on Rules for second reading.

March 5, 1987

SB 5419 Prime Sponsor, Senator Warnke: Licensing persons who operate polygraph equipment. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5419 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Sellar, Tanner, Vognild.

Passed to Committee on Rules for second reading.

February 25, 1987

SB 5451 Prime Sponsor, Senator Hansen: Changing requirements for operation of passenger charter carriers. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Tanner, Vice Chairman; Bailey, Nelson, Patterson, Sellar, Smitherman, West.

Passed to Committee on Rules for second reading.

March 5, 1987

SB 5486 Prime Sponsor, Senator Warnke: Authorizing the department of labor and industries to adopt rules governing conditions of work for video terminal operators. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5486 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Lee, Tanner, Vognild, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 5, 1987

SB 5520 Prime Sponsor, Senator Halsan: Limiting improvements financed by improvement districts to two hundred percent of the amount originally proposed at the time the district was created. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5520 be substituted therefor, and the substitute bill do pass. Signed by Senators Halsan, Chairman; DeJarnatt, McCaslin, Pullen, Zimmerman.

MINORITY recommendation: Do not pass. Signed by Senator Talmadge.

Passed to Committee on Rules for second reading.

March 4, 1987

SB 5610 Prime Sponsor, Senator Anderson: Revising provisions relating to industrial insurance premiums. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Anderson, Cantu, Vognild, West, Williams.

Passed to Committee on Rules for second reading.

March 5, 1987

SB 5622 Prime Sponsor, Senator Gaspard: Continuing the beginning teachers assistance program. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5622 as recommended by Committee on Education be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Cantu, Fleming, Kreidler, Lee, McDonald, Moore, Owen, Rinehart, Saling, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 5, 1987

SB 5626 Prime Sponsor, Senator Gaspard: Providing for an inventory of school facilities. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5626 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Fleming, Kreidler, Moore, Owen, Rinehart, Saling, Talmadge, Vognild, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 4, 1987

SB 5654 Prime Sponsor, Senator Talmadge: Revising provisions relating to criminal sentencing. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5654 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Deccio, Kreidler, Moore, Owen, Rinehart, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 5, 1987

SB 5658 Prime Sponsor, Senator Fleming: Requiring divestment of public pension funds and assets in banks and other businesses with connections to South Africa or Namibia. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5658 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Fleming, Kreidler, Owen, Rinehart, Talmadge, Vognild, Warnke, Williams, Wojahn.

MINORITY recommendation: Do not pass. Signed by Senators Bluechel, Craswell, Hayner, McDonald, Rasmussen, Zimmerman.

Passed to Committee on Rules for second reading.

March 5, 1987

SB 5664 Prime Sponsor, Senator Owen: Establishing the department of wildlife. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5664 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Owen, Chairman; DeJarnatt, Vice Chairman; Barr, Conner, McDonald, Peterson, Stratton.

MINORITY recommendation: Do not pass. Signed by Senators Craswell, Metcalf, Patterson, Rasmussen.

Referred to Committee on Ways and Means.

March 5, 1987

SB 5688 Prime Sponsor, Senator Smitherman: Establishing a review procedure for commercial activities conducted by institutions of higher education. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5688 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Sellar, Tanner, Vognild, West, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 4, 1987

SB 5731 Prime Sponsor, Senator Bender: Creating the transportation benefit board. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Tanner, Vice Chairman; Bailey, Barr, Bender, Conner, DeJarnatt, Garrett, Halsan, Patterson, Smitherman, West.

Passed to Committee on Rules for second reading.

March 4, 1987

SB 5732 Prime Sponsor, Senator Tanner: Encouraging right-of-way donations. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Tanner, Vice Chairman; Bailey, Barr, Bender, Conner, DeJarnatt, Garrett, Halsan, Patterson, Smitherman, von Reichbauer, West

Passed to Committee on Rules for second reading.

March 4, 1987

SB 5733 Prime Sponsor, Senator Tanner: Authorizing the department of transportation to participate with owners of real estate in financing improvement projects. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Tanner, Vice Chairman; Bailey, Barr, Bender, Conner, DeJarnatt, Garrett, Halsan, Patterson, Smitherman, von Reichbauer, West

Passed to Committee on Rules for second reading.

March 4, 1987

SB 5734 Prime Sponsor, Senator Bender: Authorizing counties and cities to establish transportation benefit districts. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Tanner, Vice Chairman; Bailey, Barr, Bender, Conner, DeJarnatt, Garrett, Halsan, Patterson, Smitherman, von Reichbauer, West.

Passed to Committee on Rules for second reading.

March 5, 1987

SB 5735 Prime Sponsor, Senator Peterson: Establishing revised standards for the issuance of permits for the construction of approach roads on state highway right of way. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Tanner, Vice Chairman; Bailey, Bender, Conner, DeJarnatt, Garrett, Halsan, Johnson, Smitherman.

MINORITY recommendation: Do not pass. Signed by Senators Barr, von Reichbauer.

Passed to Committee on Rules for second reading.

March 5, 1987

SB 5740 Prime Sponsor, Senator Vognild: Revising provision relating to ferry employees' compensation. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Bender, Conner, DeJarnatt, Garrett, Halsan, Patterson, Smitherman.

Passed to Committee on Rules for second reading.

March 5, 1987

SB 5769 Prime Sponsor, Senator Warnke: Revising housing trust fund provisions. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5769 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Tanner, Vognild, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1987

SB 5779 Prime Sponsor, Senator Vognild: Regulating vehicle mechanical breakdown insurers. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 5779 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Fleming, McDermott, Metcalf, von Reichbauer.

Passed to Committee on Rules for second reading.

March 5, 1987

SB 5789 Prime Sponsor, Senator Warnke: Prohibiting unfair employment criteria. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Tanner, Vognild, Williams, Wojahn

Passed to Committee on Rules for second reading.

March 5, 1987

SB 5814 Prime Sponsor, Senator Warnke: Relating to mobile homes. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5814 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Sellar, Tanner, Vognild, West, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 5, 1987

SB 5848 Prime Sponsor, Senator Tanner: Establishing procedures for administration of real estate transaction trust funds. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5848 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Sellar, Tanner, Vognild, West.

Passed to Committee on Rules for second reading.

March 6, 1987

SB 5854 Prime Sponsor, Senator Kreidler: Providing for regulation of retirement care communities. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 5854 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Fleming, McDermott, Metcalf, von Reichbauer.

Passed to Committee on Rules for second reading.

March 5, 1987

SB 5857 Prime Sponsor, Senator Wojahn: Establishing the impaired physician program. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5857 be substituted therefor, and the substitute bill do pass. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Tanner.

Passed to Committee on Rules for second reading.

March 5, 1987

SB 5878 Prime Sponsor, Senator Peterson: Determining the fair market value of unlisted vehicles for motor vehicle excise tax purposes. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Tanner, Vice Chairman; Bailey, Barr, Bender, Conner, DeJarnatt, Garrett, Halsan, Nelson, Patterson, Smitherman, von Reichbauer, West.

Passed to Committee on Rules for second reading.

March 5, 1987

SB 5880 Prime Sponsor, Senator Benitz: Establishing a tuition recovery fund for private vocational schools. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5880 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Craswell, Patterson, Saling, Smitherman, Warnke.

Passed to Committee on Rules for second reading.

March 5, 1987

SB 5934 Prime Sponsor, Senator Warnke: Providing that state employees have right to choose health care services. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Cantu, Lee, Tanner, Vognild, West.

Passed to Committee on Rules for second reading.

March 6, 1987

SB 5948 Prime Sponsor, Senator Bottiger: Revising permissible interest rates on retail installment contracts for the purchase of motor vehicles. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Fleming, McDermott, Metcalfe, Pullen, von Reichbauer.

Passed to Committee on Rules for second reading.

March 5, 1987

SB 5955 Prime Sponsor, Senator McDermott: Authorizing city, county, and state ownership of professional sports franchises. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Tanner, Vognild, West, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 5, 1987

SB 5961 Prime Sponsor, Senator Halsan: Establishing a nonbinding presidential primary with single-party ballots. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5961 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Halsan, Chairman; DeJarnatt, Pullen, Zimmerman.

MINORITY recommendation: Do not pass. Signed by Senators McCaslin, Talmadge.

Referred to Committee on Ways and Means.

March 5, 1987

SB 5977 Prime Sponsor, Senator Gaspard: Providing for a plan for implementing a state educational telecommunications network. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5977 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Benitz, Smitherman, Warnke.

Passed to Committee on Rules for second reading.

March 6, 1987

SB 5993 Prime Sponsor, Senator Hansen: Relating to water rights. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 5993 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Hansen, Chairman; Bauer, Vice Chairman; Anderson, Bailey, Barr, Gaspard.

Referred to Committee on Ways and Means.

March 4, 1987

SB 5996 Prime Sponsor, Senator McDermott: Establishing the Washington vocational technology center. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended and refer to Committee on Ways and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Smitherman, Warnke.

MINORITY recommendation: Do not pass as amended. Signed by Senators Bailey, Benitz, Craswell, Patterson, Saling.

Referred to Committee on Ways and Means.

March 5, 1987

SB 6032 Prime Sponsor, Senator Smitherman: Relating to ferry fuel. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Tanner, Vice Chairman; Bailey, Barr, Bender, Conner, DeJarnatt, Garrett, Halsan, Johnson, Nelson, Patterson, Smitherman, von Reichbauer, West.

Passed to Committee on Rules for second reading.

March 5, 1987

SB 6040 Prime Sponsor, Senator Halsan: Revising provisions of the audit services revolving fund. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; DeJarnatt, McCaslin, Pullen, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

March 5, 1987

SB 6046 Prime Sponsor, Senator Warnke: Relating to automobile warranties. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6046 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Tanner, Vogndild, West, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1987

SJM 8015 Prime Sponsor, Senator Bottiger: Requesting the opening of the Arctic National Wildlife Refuge Coastal Plain to oil and gas exploration. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Williams, Chairman; Benitz, Cantu, Nelson, Smitherman, Stratton.

Passed to Committee on Rules for second reading.

March 5, 1987

SCR 8410 Prime Sponsor, Senator Smitherman: Supporting the small business conference to be held in October, 1987. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Sellar, Tanner, West, Williams, Wojahn.

Passed to Committee on Rules for second reading.

#### MOTION

At 1:57 p.m., on motion of Senator Fleming, the Senate was declared to be at ease.

The Senate was called to order at 4:27 p.m. by Senator Bottiger.

#### REPORTS OF STANDING COMMITTEES

March 4, 1987

SB 5219 Prime Sponsor, Senator Williams: Regulating naturopathic physicians. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5219 be substituted therefor, and the substitute bill do pass. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Tanner.

Passed to Committee on Rules for second reading.

March 6, 1987

SB 5425 Prime Sponsor, Senator Williams: Revising provisions on district heating systems. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 5425 be substituted therefor, and the substitute bill do pass. Signed by Senators Williams, Chairman; Benitz, Cantu, Smitherman, Stratton.

Passed to Committee on Rules for second reading.

March 6, 1987

SB 5467 Prime Sponsor, Senator Kreidler: Changing membership on and extending the corrections standards board. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Kiskaddon, Kreidler.

Passed to Committee on Rules for second reading.

March 6, 1987

SB 5602 Prime Sponsor, Senator Warnke: Establishing requirements for sale of mobile homes and mobile home parks. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5602 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Vogmild, West, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 5, 1987

SB 5603 Prime Sponsor, Senator Kreidler: Requiring support services in addition to habilitation services for developmentally disabled persons. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5603 be substituted therefor, and the substitute bill do pass. Signed by Senators Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kreidler, Tanner.

Passed to Committee on Rules for second reading.

March 6, 1987

SB 5719 Prime Sponsor, Senator Cantu: Establishing financial responsibility for services provided and funded by the department of social and health services. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5719 be substituted therefor, and the substitute bill do pass. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Kiskaddon, Kreidler.

Passed to Committee on Rules for second reading.

March 5, 1987

SB 5839 Prime Sponsor, Senator Wojahn: Adopting the education consolidation act of 1987. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5839 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Patterson, Smitherman, Warnke.

Passed to Committee on Rules for second reading.

March 6, 1987

SB 6028 Prime Sponsor, Senator Williams: Transferring the authority for planning, designing, and implementing energy conservation in state facilities from the department of general administration to the state energy office. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 6028 be substituted therefor, and the substitute bill do pass. Signed by Senators Williams, Chairman; Benitz, Cantu, Nelson, Smitherman, Stratton.

Passed to Committee on Rules for second reading.

March 6, 1987

SB 6041 Prime Sponsor, Senator Talmadge: Limiting third-party workers' compensation actions against contractors. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6041 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; McCaslin, Moore, Nelson, Newhouse.

MINORITY recommendation: Do not pass. Signed by Senators Halsan, Vice Chairman; Bottiger.

Passed to Committee on Rules for second reading.

March 6, 1987

SB 6052 Prime Sponsor, Senator Warnke: Excluding from industrial insurance coverage certain services rendered by nonprofit entities to school districts. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Lee, Sellar, Vognild, West.

Passed to Committee on Rules for second reading.

March 6, 1987

SB 6058 Prime Sponsor, Senator Conner: Providing for elections for annexed territory or service areas of a public utility district. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 6058 be substituted therefor, and the substitute bill do pass. Signed by Senators Williams, Chairman; Benitz, Cantu, Nelson, Smitherman, Stratton.

Passed to Committee on Rules for second reading.

March 6, 1987

\*SB 6062 Prime Sponsor, Senator Warnke: Relating to gambling. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6062 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Sellar, Tanner, Vognild, West.

Passed to Committee on Rules for second reading.

March 6, 1987

\*SB 6063 Prime Sponsor, Senator Bailey: Providing for the promotion of Washington health services and products. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Lee, Sellar, Vognild, West.

Passed to Committee on Rules for second reading.

March 6, 1987

\*SB 6065 Prime Sponsor, Senator Nelson: Changing length of time collection agencies must preserve records. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Lee, Sellar, Tanner, Vognild, West.

Passed to Committee on Rules for second reading.

\*The following members of the Senate Commerce and Labor Committee agree to waive the five-day notice rule for Senate Bills Nos. \*\*5527, 6062, 6063 and 6065 on March 6, 1987:

Signed: Larry Vognild, Frank Warnke, Bill Smitherman, J. West, Eleanor M. Lee, Ann Anderson, Emilio Cantu, George Sellar.

EDITOR'S NOTE: \*\*Senate Bill No. 5527 did not pass out of Committee March 6, 1987.

#### MOTION

At 4:28 p.m., on motion of Senator Vognild, the Senate adjourned until 9:00 a.m., Monday, March 9, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## FIFTY-SEVENTH DAY

### MORNING SESSION

Senate Chamber, Olympia, Monday, March 9, 1987

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Barr, Bender, Benitz, Bluechel, Fleming, Lee, McDermott, Metcalf, Peterson and Tanner. On motion of Senator Vognild, Senators Bender, Fleming, McDermott and Tanner were excused. On motion of Senator Zimmerman, Senators Barr, Benitz, Bluechel and Metcalf were excused.

The Sergeant at Arms Color Guard, consisting of Pages Kelli Kimmel and Margaret Gilda, presented the Colors. Reverend Ronald R. Long, senior pastor of the Church of Living Water of Olympia, offered the prayer.

#### MOTION

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

#### MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

February 24, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Marlyn Minkin, reappointed February 24, 1987, for a term ending July 1, 1991, as a member of the Board of Trustees for the State School for the Deaf.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Education.

February 24, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Fred H. DeBerry, reappointed February 24, 1987, for a term ending July 1, 1991, as a member of the Board of Trustees for the State School for the Deaf.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Education.

February 23, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Robert E. Trimble, appointed February 23, 1987, for a term ending April 15, 1988, as a member of the Indeterminate Sentencing Review Board.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Human Services and Corrections.

February 26, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Henry M. Aronson, appointed February 26, 1987, for a term ending October 25, 1991, as a member of the Small Business Export Financial Assistance Center Board of Directors.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

MESSAGE FROM THE HOUSE

March 6, 1987

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 255,

HOUSE BILL NO. 261,

SUBSTITUTE HOUSE BILL NO. 263,

SUBSTITUTE HOUSE BILL NO. 291,

HOUSE BILL NO. 295,

HOUSE BILL NO. 310,

SUBSTITUTE HOUSE BILL NO. 324,

SUBSTITUTE HOUSE BILL NO. 364,

SUBSTITUTE HOUSE BILL NO. 388,

ENGROSSED HOUSE BILL NO. 403,

SUBSTITUTE HOUSE BILL NO. 415,

SUBSTITUTE HOUSE BILL NO. 425,

SUBSTITUTE HOUSE BILL NO. 430,

ENGROSSED HOUSE BILL NO. 435,

SUBSTITUTE HOUSE BILL NO. 439,

SUBSTITUTE HOUSE BILL NO. 492,

SUBSTITUTE HOUSE BILL NO. 506, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6066 by Senators Owen, Lee, Saling and Warnke

AN ACT Relating to the business and occupation tax on wholesalers; amending RCW 82.04.270; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 255 by Representatives Cooper, Schmidt, Walk, P. King, L. Smith and Dellwo  
(by request of Department of Licensing)

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

Referred to Committee on Transportation.

HB 261 by Representatives Walk, Schmidt, Fisch, P. King and J. Williams (by  
request of Department of Licensing)

Revising state centennial license plate act.

Referred to Committee on Transportation.

SHB 263 by Committee on Local Government (originally sponsored by Representatives Haugen, Prince, Hine, L. Smith and P. King) (by request of Department of Community Development)

Authorizing public loans to municipal corporations without the issuance of bonds.

Referred to Committee on Governmental Operations.

SHB 291 by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Fisher, Sanders, Belcher and Unsoeld)  
(by request of Secretary of State)

Revising procedures for voter challenges.

Referred to Committee on Judiciary.

HB 295 by Representatives Heavey, Padden and Armstrong (by request of Department of Licensing)

Revising findings required under the Implied Consent Law.

Referred to Committee on Judiciary.

HB 310 by Representatives Zellinsky, Winsley, Haugen, Day, Bristow and Lux

Requiring insurers writing comprehensive and collision policies to also offer financing coverage.

Referred to Committee on Financial Institutions.

SHB 324 by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Fisher, Madsen, Vekich, Pruitt and Fisch)

Revising public disclosure exemptions.

Referred to Committee on Judiciary.

SHB 364 by Committee on Commerce and Labor (originally sponsored by Representatives Wang and Doty)

Changing provisions relating to contractor registration and disclosure.

Referred to Committee on Commerce and Labor.

SHB 388 by Committee on Environmental Affairs (originally sponsored by Representatives Rust, Allen, Valle, Cole, Unsoeld and Todd) (by request of Department of Ecology)

Changing provisions relating to wastewater treatment facilities.

Referred to Committee on Parks and Ecology.

EHB 403 by Representatives Walk and Schmidt (by request of Department of Transportation)

Transferring responsibility for aircraft registration and excise tax collection to the department of transportation.

Referred to Committee on Transportation.

SHB 415 by Committee on Transportation (originally sponsored by Representatives Dellwo, Padden, Walk, P. King and Amondson)

Authorizing approved alcohol/drug treatment agencies to obtain driving records.

Referred to Committee on Transportation.

SHB 425 by Committee on Energy and Utilities (originally sponsored by Representatives Nelson, Barnes, Jacobsen, P. King and Unsoeld) (by request of Washington State Energy Office)

Revising provisions on district heating systems.

Referred to Committee on Energy and Utilities.

SHB 430 by Committee on Trade and Economic Development (originally sponsored by Representatives Fisch, Jacobsen, B. Williams, Schoon, Lux, P. King, Day, Kremen, Basich, Unsoeld, Pruitt and Hargrove)

Authorizing creation of employee cooperatives.

Referred to Committee on Commerce and Labor.

EHB 435 by Representatives Hankins, H. Sommers and Brooks (by request of Department of General Administration)

Revising provisions on inactive real estate licenses.

Referred to Committee on Commerce and Labor.

SHB 439 by Committee on Housing (originally sponsored by Representatives Nutley, Nelson and Ferguson)

Regulating unfit conditions on premises.

Referred to Committee on Governmental Operations.

SHB 492 by Committee on Higher Education (originally sponsored by Representatives Heavey, Jacobsen, Allen, Prince, Unsoeld, Miller, Brough, Kremen and R. King)

Continuing the authority to permit installment payments of tuition and fees.

Referred to Committee on Education.

SHB 506 by Committee on Human Services (originally sponsored by Representatives Cooper, Sprenkle, Moyer, Brooks, Leonard, Brekke, Scott, Miller, Hine, Winsley, K. Wilson, Rayburn, Cantwell, Nutley, Dellwo, Appelwick, Valle, Holm, Pruitt, Spanel, Unsoeld, Fisher, Rasmussen, Grant, Sutherland, Belcher, Jesernig, Wang, Jacobsen, P. King, Brough and Todd)

Creating the children's trust fund.

Referred to Committee on Human Services and Corrections.

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

#### SECOND READING

SENATE BILL NO. 5436, by Senator Warnke

Revising unemployment compensation provisions on individuals with multiple employers.

#### MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 5436 was substituted for Senate Bill No. 5436 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Warnke, the rules were suspended, Substitute Senate Bill No. 5436 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5436.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5436 and the bill passed the Senate by the following vote: Yeas, 39; absent, 2; excused, 8.

Voting yea: Senators Anderson, Bailey, Bauer, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDonald, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 39.

Absent: Senators Lee, Peterson - 2.

Excused: Senators Barr, Bender, Benitz, Bluechel, Fleming, McDermott, Metcalf, Tanner - 8.

SUBSTITUTE SENATE BILL NO. 5436, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTIONS

On motion of Senator Vognild, Senator Peterson was excused.

On motion of Senator Zimmerman, Senators Lee and Sellar were excused.

#### SECOND READING

SENATE BILL NO. 5008, by Senator Moore

Revising provisions relating to property tax payments made by check.

The bill was read the second time.

#### MOTION

On motion of Senator Moore, the rules were suspended, Senate Bill No. 5008 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5008.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5008 and the bill passed the Senate by the following vote: Yeas, 40; excused, 9.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDonald, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 40.

Excused: Senators Bender, Bluechel, Fleming, Lee, McDermott, Metcalf, Peterson, Sellar, Tanner - 9.

SENATE BILL NO. 5008, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5051, by Senators Moore, Smitherman and Tanner

Authorizing environmental excellence awards.

The bill was read the second time.

#### MOTION

On motion of Senator Moore, the rules were suspended, Senate Bill No. 5051 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5051.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5051 and the bill passed the Senate by the following vote: Yeas, 41; excused, 8.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDonald, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 41.

Excused: Senators Bender, Fleming, Lee, McDermott, Metcalf, Peterson, Sellar, Tanner - 8.

SENATE BILL NO. 5051, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 6, by Representatives Wang and Patrick (by request of Statute Law Committee)

Recodifying statutes regulating gambling.

The bill was read the second time.

#### MOTION

On motion of Senator Warnke, the rules were suspended, Engrossed House Bill No. 6 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 6.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 6 and the bill passed the Senate by the following vote: Yeas, 41; excused, 8.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJamatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDonald, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 41.

Excused: Senators Bender, Fleming, Lee, McDermott, Metcalf, Peterson, Sellar, Tanner - 8.

ENGROSSED HOUSE BILL NO. 6, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5401 and the pending amendment by Senators Craswell and Stratton on page 2, line 22, deferred March 6, 1987.

Debate ensued.

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

The motion by Senator Craswell failed and the amendment was not adopted.

## MOTION

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

On page 3, beginning on line 2, insert:

"(4) 'Imminent death' means death which, in the judgment of the attending physician and one independent physician, will occur within three days by the natural progression of a terminal condition, despite the continuance of nutrition and hydration."

Renumber the remaining subsections accordingly.

On page 3, line 9, after "~~utilized~~)" insert "and where, in the judgment of the attending physician and one independent physician, death is imminent whether or not such treatment is applied"

On page 4, line 23, after "death" insert "and where, in the judgment of the attending physician and one independent physician, death is imminent whether or not such treatment is applied"

Debate ensued.

## PARLIAMENTARY INQUIRY

Senator Pullen: "Mr. President, my question is more a point of parliamentary inquiry. I believe Senator Smitherman moved that the question be divided. If indeed he made that motion, then it seems to me that that should be the issue we should be debating at this point."

## REPLY BY THE PRESIDENT

President Cherberg: "Senator Smitherman did not make that motion. Do you wish the question divided?"

Senator Pullen: "No, I am just trying to help out Senator Smitherman to be sure we move along in a way consistent with parliamentary rules. I don't have any strong feelings one way or another."

## MOTION

On motion of Senator Smitherman, the question was divided and the first amendment on page 3, line 2, will be considered separately.

The President declared the question before the Senate to be adoption of the first amendment by Senator Stratton on page 3, line 2.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Stratton on page 3, line 2.

## ROLL CALL

The Secretary called the roll and the motion by Senator Stratton failed and the amendment was not adopted by the following vote: Yeas, 17; nays, 28; excused, 4.

Voting yea: Senators Anderson, Benitz, Cantu, Craswell, Hayner, Johnson, McCaslin, McDonald, Moore, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Stratton, West, Zimmerman - 17.

Voting nay: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kiskaddon, Kreidler, Lee, Owen, Rinehart, Saling, Sellar, Smitherman, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 28.

Excused: Senators McDermott, Metcalf, Peterson, Tanner - 4.

The President declared the question before the Senate to be adoption of the second amendment by Senator Stratton on page 3, line 9, and the third amendment by Senator Stratton on page 4, line 23.

Debate ensued.

The motion by Senator Stratton failed and the amendments were not adopted on a rising vote.

#### MOTION

Senator Craswell moved that the following amendments by Senators Craswell and Stratton be considered simultaneously and adopted:

On page 3, line 11, after "care" strike "or the provision or nutrition and hydration"

On page 3, line 12, after "pain" insert "or the provision of nutrition and hydration unless physically intolerable to the patient"

Debate ensued.

#### POINT OF INQUIRY

Senator Stratton: "Senator Deccio, you referred to a compromise bill by all three entities. Would you explain that please?"

Senator Deccio: "Senator Stratton, as you well know, there were really two bills. The amendments offered by the Catholic Conference did enable the bill to get out of committee. That is what I meant by seemingly we have the support generally of all parties. Now, I understand and I know where these amendments are coming from, but the final determination was up to the committee. The bill, as amended, did receive the majority of the committee's support. That's what I meant by a compromise bill."

Senator Stratton: "Thank you, I was hoping you did not intend to convey that any of the Human Life amendments were considered, because they were withheld at the committee meeting."

Further debate ensued.

Senator Craswell demanded a roll call and the demand was sustained. The President declared the question before the Senate to be the roll call on adoption of the amendments by Senators Craswell and Stratton.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Craswell failed and the amendments were not adopted by the following vote: Yeas, 19; nays, 26; absent, 1; excused, 3.

Voting yea: Senators Anderson, Benitz, Cantu, Craswell, Halsan, Johnson, McCaslin, McDonald, Nelson, Owen, Patterson, Pullen, Rasmussen, Smitherman, Stratton, Tanner, von Reichbauer, West, Zimmerman - 19.

Voting nay: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Hansen, Hayner, Kiskaddon, Kreidler, Lee, Moore, Newhouse, Rinehart, Saling, Talmadge, Vognild, Warnke, Williams, Wojahn - 26.

Absent: Senator Sellar - 1.

Excused: Senators McDermott, Metcalf, Peterson - 3.

#### MOTION

Senator Craswell moved that the following amendment by Senators Craswell and Stratton be adopted:

On page 3, line 18, after "patient." insert "If no family member is involved, three physicians shall diagnose and certify in writing that the patient is afflicted with a terminal condition."

Debate ensued.

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

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

## MOTION

Senator Stratton moved that the following amendment be adopted:

On page 4, line 10, after "admission" insert ". If a person has been diagnosed as pregnant and that diagnosis is known to the attending physician, then the directive shall have no force and effect during the course of the pregnancy"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Stratton.

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

## MOTION

Senator Stratton moved that the following amendment be adopted:

On page 5, line 5, after "that" insert "so long as any change complies with the standards and requirements of chapter 70.122 RCW, the Natural Death Act," and on line 5, after "add" insert "to"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Stratton.

The motion by Senator Stratton failed and the amendment was not adopted.

## MOTION

Senator Craswell moved that the following amendment be adopted:

On page 5, after line 18, insert:

"(3) Upon admission of any person to a health facility, a reasonable attempt shall be made by the attending physician or the director of the health facility or his representative to determine if an advance directive exists. If no such advance directory exists, the person shall be asked whether he or she wants to sign one. The attending physician shall insure that the person is competent and understands all the choices available regarding the withholding or withdrawal of life-sustaining treatment and the effect of making a particular choice."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Craswell.

The motion by Senator Craswell failed and the amendment was not adopted.

## MOTION

Senator Craswell moved that the following amendment by Senators Craswell and Stratton be adopted:

On page 6, line 14, after "patient" strike all material through "patient" on line 15 and insert

(g) Adult niece(s) and nephew(s) of the qualified patient"

Debate ensued.

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

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

## MOTION

Senator Hayner moved that the following amendment be adopted:

On page 6, line 19, strike "the first or succeeding class" and insert "class (a) or (b)"

Debate ensued.

## POINT OF INQUIRY

Senator Bottiger: "Senator Hayner, everyone that comes into our office for wills or anything else is told about durable powers of attorney and living wills and I've never recorded one in my life. They are given a copy and instructed to inform the adult children or whomever the people would be, that the original is in their safety deposit box or in my office. I don't think there's any provision for recording."

Senator Hayner: "I know we are recording in our county and there is a very good reason for doing that, Senator Bottiger, because otherwise, if the person is very ill, they may not even be aware of it."

Senator Bottiger: "I see nothing wrong with the amendment as long as someone is sure of the recording."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Hayner.

The motion by Senator Hayner failed and the amendment was not adopted on a rising vote.

#### MOTION

Senator Pullen moved that the following amendment by Senators Pullen, McCaslin, Rasmussen, Anderson, Benitz, Wojahn, Metcalf, Lee, Bailey and Moore be adopted:

On page 7, after line 6, insert the following:

**"NEW SECTION. Sec. 6. If any hospitalized patient indicates by words, actions or in writing that he or she wishes to die at home in dignity with his family, the hospital must discharge him immediately."**

Renumber the remaining sections accordingly and correct internal references

Debate ensued.

#### POINT OF INQUIRY

Senator Newhouse: "Senator Pullen, I am concerned about the wishes of the family and with the patient. Your amendment concerns only the wishes of the patient. I suspect there are situations where the family should be, at least, consulted on the matter."

Senator Pullen: "Well, Senator Newhouse, as you very well know, this whole area of death with dignity is fraught with all kinds of questions and I suspect it is not possible to write an amendment or even write a law that carries rules for every specific situation. Certainly, a person should consult with his family and I would hope they would, but if the patient, the one who is ill wants to leave the hospital, he should be able to do so under his own volition."

Further debate ensued.

#### MOTION

On motion of Senator Vognild, further consideration of the amendment was deferred.

#### MOTION

Senator Craswell moved that the following amendments by Senators Craswell and Stratton be considered simultaneously and adopted:

On page 7, line 9, after "No" insert "family member or"

On page 7, line 11, after "(of)" insert "and having documentation by two physicians of a terminal condition or three physicians where no family members are involved."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senators Craswell and Stratton.

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

#### MOTION

Senator Cantu moved that the following amendment be adopted:

On page 8, line 12, after "~~patient:))~~" strike all language through "choice." on line 19, and insert "Any person or health facility that chooses not to comply with the directive shall immediately take all reasonable steps to transfer care of the qualified patient to another physician, health care provider, or health facility. Any person whose conscience does not allow them to participate in the withholding or withdrawal of life sustaining treatment shall be unconditionally protected for non-negligent acts against any disciplinary action including, but not limited to, licensing, hiring, promotion, health facility privileges, and transfers."

#### MOTION

On motion of Senator Vognild, further consideration of Substitute Senate Bill No. 5401 was deferred.

## SECOND READING

SENATE BILL NO. 5329, by Senators Garrett, Johnson, Peterson, Wojahn, Lee, Tanner, Warnke, Williams and Kiskaddon (by request of Select Committee on Disability Employment and Economic Participation)

Requiring a study to determine disincentives to work contained in public benefit programs for persons of disability.

## MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 5329 was substituted for Senate Bill No. 5329 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Warnke, the rules were suspended, Substitute Senate Bill No. 5329 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5329.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5329 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

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

Excused: Senators McDermott, Metcalf, Peterson - 3.

SUBSTITUTE SENATE BILL NO. 5329, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5330, by Senators Garrett, Johnson, Peterson, Tanner, Warnke, Williams and Kiskaddon (by request of Joint Select Committee on Disability Employment and Economic Participation)

Establishing the disability accommodation revolving fund.

## MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 5330 was substituted for Senate Bill No. 5330 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Warnke, the rules were suspended, Substitute Senate Bill No. 5330 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5330.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5330 and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; excused, 2.

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

Voting nay: Senators Barr, Benitz, Lee - 3.

Excused: Senators Metcalf, Peterson - 2.

SUBSTITUTE SENATE BILL NO. 5330, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5401 and the pending amendment on page 7, after line 6, by Senators Pullen, McCaslin, Rasmussen, Anderson, Benitz, Wojahn, Metcalf, Lee, Bailey and Moore, deferred earlier today.

## MOTION

On motion of Senator Pullen, and there being no objection, the amendment was withdrawn.

## MOTION

Senator Pullen moved that the following amendment by Senators Pullen, McCaslin, Rasmussen, Anderson, Benitz, Wojahn, Metcalf, Lee, Bailey and Moore be adopted:

On page 7, after line 6, insert the following:

\***NEW SECTION.** Sec. 6. If any terminally ill hospitalized patient indicates by words, actions or in writing that he or she wishes to die at home in dignity with his or her family and the family concurs, the hospital must discharge him or her immediately. The hospital and physician shall not be liable for claims arising from such discharge.\*

Remember the remaining sections accordingly and correct internal references.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Pullen, McCaslin, Rasmussen, Anderson, Benitz, Wojahn, Metcalf, Lee, Bailey and Moore.

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

## MOTION

On motion of Senator Kreidler, the rules were suspended, Engrossed Substitute Senate Bill No. 5401 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5401.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5401 and the bill passed the Senate by the following vote: Yeas, 38; nays, 9; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, Moore, Newhouse, Patterson, Rinehart, Saling, Sellar, Smitherman, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 38.

Voting nay: Senators Cantu, Craswell, Johnson, McDonald, Nelson, Owen, Pullen, Rasmussen, Stratton - 9.

Excused: Senators Metcalf, Peterson - 2.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5401**, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

**SENATE BILL NO. 5333**, 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.

## MOTIONS

On motion of Senator Gaspard, Substitute Senate Bill No. 5333 was substituted for Senate Bill No. 5333 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Warnke, the rules were suspended, Substitute Senate Bill No. 5333 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5333.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5333 and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, DeJamatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanzer, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senators Bender, Bluechel, Rinehart - 3.

Excused: Senators Metcalf, Peterson - 2.

SUBSTITUTE SENATE BILL NO. 5333, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

#### MOTION

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

#### SENATE RESOLUTION 1987-8622

by Senators Moore and Talmadge

WHEREAS, Billy Joe Thomas, age 10, a Cub Scout from Pack 75, Seattle, worked daily six-hour shifts and twelve hours a day on weekends to sell tickets to a regional scout show, donating the grand prize of a Disneyland trip to two children suffering from leukemia; and

WHEREAS, Billy Joe Thomas was awarded four tickets for a trip to Blake Island and donated these tickets to Children's Orthopedic Hospital; and

WHEREAS, Billy Joe Thomas has given away bicycles and other prizes awarded to him for his efforts; and

WHEREAS, Billy Joe Thomas volunteered over one thousand hours of community service and collected seven thousand-five hundred pounds of recyclable material, donating the proceeds to children; and

WHEREAS, Billy Joe Thomas has tirelessly served his church and community in many capacities; and

WHEREAS, Billy Joe Thomas has received national and international recognition for his demonstrated compassion for children with life-threatening diseases; and

WHEREAS, Billy Joe Thomas has earned many recognitions and honors from the Boy Scouts of America for his community service and dedication to the principles of scouting; and

WHEREAS, Governor Booth Gardner, Mayor Charles Royer, and King County Executive Randy Revelle have each proclaimed a Billy Joe Thomas Day; and

WHEREAS, Billy Joe Thomas has demonstrated the true code of scouting and embodies the principle of service above self;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of this Fiftieth Legislature honor the public service of Billy Joe Thomas, his humanitarian generosity and his dedication to scouting; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to Billy Joe Thomas and his parents, Raymond and Laura Thomas.

#### INTRODUCTION OF SPECIAL GUESTS

The President introduced Billy Joe Thomas and his parents, Mr. and Mrs. Raymond Thomas, who were seated on the rostrum.

With permission of the Senate, business was suspended to permit Billy Joe to address the Senate.

## PRESENTATION OF CERTIFICATE

Billy Joe presented Lieutenant Governor Cherberg a plaque from the Seattle Gavel Club 54 in appreciation of all his good work.

## MOTION

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

## SENATE RESOLUTION 1987-8617

by Senators Conner and Rasmussen

WHEREAS, The Senate of the state of Washington wishes to promote good relations with the country of Australia; and

WHEREAS, The state of Washington and Australia would benefit from a business and cultural exchange; and

WHEREAS, An exchange of views would create a better world understanding and goodwill between the state of Washington and Australia; and

WHEREAS, A group of Washington business people making up the Group Study Exchange Team will be visiting Australia this spring as part of a program sponsored by the Rotary Foundation; and

WHEREAS, The Group Study Exchange Team will meet many Australians and will share with them the beauties and attractions of the state of Washington; and

WHEREAS, A group of Australians has just completed a visit to the state of Washington as part of the exchange program;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Senate of the state of Washington extend their greetings to Sir Benjamin Cambell, Governor of Queensland, Australia, and all the people of Australia; and

BE IT FURTHER RESOLVED, That the Senate of Washington expresses appreciation for the opportunity to share the qualities of our great state of Washington through the Group Study Exchange Team; and

BE IT FURTHER RESOLVED, That the state of Washington has the highest regard for good relations between our government and the government and people of Australia, and may the Group Study Exchange Team foster the relationship between our state and Australia; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to Cy Frick of Sequim, Washington, who is leading the Group Study Exchange Team to the other side of the world to visit our Australian friends.

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

## SECOND READING

SENATE BILL NO. 5345, by Senators McDermott, Rinehart, Bluechel, Moore, Deccio and Kiskaddon

Revising the property tax exemption for associations producing and performing musical, dance, etc. works.

## MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 5345 was substituted for Senate Bill No. 5345 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 5345 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5345.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5345 and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; excused, 2.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon,

Kreidler, Lee, McCaslin, McDermott, McDonald, Moore, Nelson, Newhouse, Ovren, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Tanner, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senators Anderson, Craswell, Smitherman - 3.

Excused: Senators Metcalf, Peterson - 2.

SUBSTITUTE SENATE BILL NO. 5345, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5410, by Senators Conner, Warnke, Newhouse and Vognlid

Extending time limit for appeals of decision of the employment security department.

The bill was read the second time.

#### MOTION

On motion of Senator Warnke, the rules were suspended, Senate Bill No. 5410 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5410.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5410 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

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

Excused: Senators Metcalf, Peterson - 2.

SENATE BILL NO. 5410, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5415, by Senators Peterson, Patterson, Hansen and Garrett (by request of Department of Transportation)

Modifying provisions relating to rights of way.

The bill was read the second time.

#### MOTION

On motion of Senator Hansen, the rules were suspended, Senate Bill No. 5415 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Talmadge: "Senator Hansen, does this bill mean that we will see in the area under the control of towns and cities, signs and other kinds of commercial displays popping up in interstate rights-of-ways?"

Senator Hansen: "I don't believe that is a fact, Senator Talmadge. What this is, is a sliver of the roadways that they condemn and then put a highway through-- after they are through, there may be strip from ten feet to one hundred feet wide and this gives the towns and cities the opportunity to have that property for non-highway use."

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5415.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5415 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

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

Excused: Senators Metcalf, Peterson - 2.

SENATE BILL NO. 5415, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5450, by Senators Talmadge, Newhouse, Halsan and Nelson  
Revising procedures for enforcing money judgments.

The bill was read the second time.

## MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 5450 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5450.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5450 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

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

Excused: Senators Metcalf, Peterson - 2.

SENATE BILL NO. 5450, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5523, by Senators Halsan, Zimmerman, Garrett and Rasmussen (by request Department of General Administration)

Revising provisions on the administration of the use of credit cards for state institutions.

The bill was read the second time.

## MOTION

On motion of Senator Halsan, the rules were suspended, Senate Bill No. 5523 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5523.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5523 and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent, 2; excused, 2.

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

Voting nay: Senator Sellar - 1.

Absent: Senators Craswell, Owen - 2.

Excused: Senators Metcalf, Peterson - 2.

SENATE BILL NO. 5523, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5541, by Senators Halsan, Zimmerman and Moore

Removing cost restrictions for the annual audit of the liquor control board.

The bill was read the second time.

#### MOTION

On motion of Senator Halsan, the rules were suspended, Senate Bill No. 5541 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5541.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5541 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

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

Excused: Senators Metcalf, Peterson - 2.

SENATE BILL NO. 5541, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5564, by Senator Zimmerman

Establishing procedure for deactivation or abolition of local housing authorities.

The bill was read the second time.

#### MOTION

On motion of Senator Halsan, the rules were suspended, Senate Bill No. 5564 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5564.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5564 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

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

Excused: Senators Metcalf, Peterson - 2.

SENATE BILL NO. 5564, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5571, by Senators Hansen, Fleming and Barr

Creating the grain indemnity fund.

The bill was read the second time.

## MOTIONS

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

On page 6, line 15, after "program" strike "and" and insert ". Sections 9 through 20 of this act"

On motion of Senator Hansen, the rules were suspended, Engrossed Senate Bill No. 5571 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5571.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5571 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

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

Excused: Senators Metcalf, Peterson - 2.

ENGROSSED SENATE BILL NO. 5571, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5594, by Senators Hansen, Barr, Bauer, Deccio and Newhouse

Authorizing amendment to water rights claims under certain conditions.

## MOTIONS

On motion of Senator Hansen, Substitute Senate Bill No. 5594 was substituted for Senate Bill No. 5594 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hansen, the rules were suspended, Substitute Senate Bill No. 5594 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5594.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5594 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

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

Excused: Senators Metcalf, Peterson - 2.

SUBSTITUTE SENATE BILL NO. 5594, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President reverted the Senate to the first order of business.

## REPORTS OF STANDING COMMITTEES

March 4, 1987

SB 5063 Prime Sponsor, Senator Talmadge: Revising provisions relating to information on child and adult abuse. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5063 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Craswell, Deccio, Fleming, Hayner, Lee, Moore, Owen, Rinehart, Saling, Talmadge, Vognild, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 5, 1987

SB 5326 Prime Sponsor, Senator Garrett: Creating the Washington disability training and placement coordination council. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5326 as recommended by Committee on Commerce and Labor be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Cantu, Craswell, Fleming, Hayner, Kreidler, McDonald, Moore, Owen, Rasmussen, Rinehart, Saling, Talmadge, Vognild, Warnke, Williams.

Passed to Committee on Rules for second reading.

March 6, 1987

SB 5376 Prime Sponsor, Senator Rinehart: Implementing goals for the increased use of recovered material by state government. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5376 as recommended by Committee on Parks and Ecology be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Cantu, Fleming, Lee, Owen, Rasmussen, Rinehart, Saling, Talmadge, Warnke, Williams, Zimmerman.

Passed to Committee on Rules for second reading.

March 5, 1987

SB 5398 Prime Sponsor, Senator Halsan: Changing provisions relating to industrial development corporations. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5398 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Fleming, Kreidler, Owen, Rinehart, Talmadge, Vognild, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1987

SB 5463 Prime Sponsor, Senator Fleming: Establishing a program to increase students' awareness of other nations. Reported by Committee on Ways and Means

MAJORITY recommendation: That Senate Bill No. 5463 do pass as amended by the Committee on Education. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Fleming, Kreidler, Moore, Owen, Rinehart, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1987

SB 5501 Prime Sponsor, Senator Vognild: Creating the aquatic land dredged material disposal site account. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5501 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Cantu, Fleming, Kreidler, McDonald, Moore, Owen, Rasmussen, Rinehart, Saling, Talmadge, Vognil, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 5, 1987

SB 5530 Prime Sponsor, Senator Fleming: Expanding the duties of the office of small business. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5530 as recommended by Committee on Commerce and Labor be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Cantu, Craswell, Fleming, Hayner, Kreidler, McDonald, Moore, Owen, Rasmussen, Saling, Talmadge, Vognil, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 6, 1987

SB 5553 Prime Sponsor, Senator Talmadge: Establishing the children and family services pilot project. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5553 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Cantu, Fleming, Kreidler, Owen, Rasmussen, Rinehart, Saling, Talmadge, Williams, Zimmerman.

Passed to Committee on Rules for second reading.

March 5, 1987

SB 5593 Prime Sponsor, Senator Wojahn: Establishing a pilot supplemental security income referral program. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5593 as recommended by the Committee on Human Services and Corrections be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Fleming, Kreidler, Owen, Rasmussen, Rinehart, Talmadge, Vognil, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1987

SB 5659 Prime Sponsor, Senator Wojahn: Providing for services for the protection of children. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5659 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Cantu, Fleming, Kreidler, McDonald, Moore, Owen, Rinehart, Saling, Talmadge, Vognil, Williams, Zimmerman.

Passed to Committee on Rules for second reading.

March 5, 1987

SB 5665 Prime Sponsor, Senator Smitherman: Authorizing funding for assistance to small business incubator projects. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5665 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Fleming, Kreidler, Moore, Owen, Rinehart, Talmadge, Vognil, Warnke, Williams.

MINORITY recommendation: Do not pass. Signed by Senators Cantu, McDonald, Rasmussen, Zimmerman.

Passed to Committee on Rules for second reading.

March 6, 1987

SB 5986 Prime Sponsor, Senator Conner: Studying methods of oil spill damage assessment. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5986 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Cantu, Fleming, Kreidler, Lee, Owen, Rasmussen, Saling, Talmadge, Williams, Zimmerman.

Passed to Committee on Rules for second reading.

March 6, 1987

SB 5993 Prime Sponsor, Senator Hansen: Relating to water rights. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5993 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Cantu, Fleming, McDonald, Owen, Rasmussen, Rinehart, Saling, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1987

SB 5996 Prime Sponsor, Senator McDermott: Establishing the Washington vocational technology center. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended by Committee on Education. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Fleming, Kreidler, Owen, Rinehart, Talmadge, Vognild, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1987

SB 6055 Prime Sponsor, Senator Owen: Authorizing the office of financial management to review and revise capital budget plans. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6055 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Cantu, Fleming, Kreidler, Lee, McDonald, Owen, Rasmussen, Rinehart, Saling, Talmadge, Warnke, Williams, Zimmerman.

Passed to Committee on Rules for second reading.

#### MOTION

At 12:01 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 5:44 p.m. by President Pro Tempore Rasmussen.

#### REPORTS OF STANDING COMMITTEES

March 6, 1987

SB 5076 Prime Sponsor, Senator Bluechel: Establishing a commission on mobile home rental space availability. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Bluechel, Cantu, Deccio, Kreidler, Lee, Rasmussen, Rinehart, Saling, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 9, 1987

SB 5140 Prime Sponsor, Senator Talmadge: Revising provisions on judicial retirement. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Hayner, Lee, McDonald, Moore, Rinehart, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman.

MINORITY recommendation: Do not pass. Signed by Senator Rasmussen.

Passed to Committee on Rules for second reading.

March 9, 1987

SB 5217 Prime Sponsor, Senator Wojahn: Establishing wellness program for state employees. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended by Committee on Human Services and Corrections. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Deccio, Fleming, Kreidler, Lee, Moore, Owen, Rasmussen, Rinehart, Saling, Talmadge, Vognild, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 9, 1987

SB 5259 Prime Sponsor, Senator Moore: Authorizing occupational therapy services under the medical care and medical assistance programs. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5259 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Fleming, Lee, Owen, Rinehart, Talmadge, Vognild, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 9, 1987

SB 5290 Prime Sponsor, Senator Halsan: Revising the state employee attendance incentive program. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5290 as recommended by Committee on Governmental Operations be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Vice Chairman; Bauer, Fleming, Kreidler, Moore, Owen, Rinehart, Talmadge, Vognild, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 9, 1987

SB 5347 Prime Sponsor, Senator Bottiger: Revising LEOFF II. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill NO. 5347 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Vice Chairman; Bauer, Fleming, Kreidler, Moore, Rasmussen, Rinehart, Saling, Talmadge, Vognild, Warnke, Williams.

MINORITY recommendation: Do not pass. Signed by Senators Bluechel, Cantu, Craswell, Hayner, Lee, McDonald.

Passed to Committee on Rules for second reading.

March 9, 1987

SB 5380 Prime Sponsor, Senator Gaspard: Providing cost-of-living adjustment of retirement benefits. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Craswell, Deccio, Fleming, Hayner, Kreidler, Lee, Moore, Owen, Rasmussen, Rinehart, Saling, Talmadge, Vognild, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 9, 1987

SB 5383 Prime Sponsor, Senator Zimmerman: Creating the capital projects incentive program for community colleges. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5383 be substituted therefor, and the second substitute bill do pass. Signed by Senators Gaspard, Vice Chairman; Bauer, Bluechel, Craswell, Hayner, Kreidler, Lee, McDonald, Owen, Rasmussen, Rinehart, Saling, Talmadge, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 9, 1987

SB 5387 Prime Sponsor, Senator Conner: Expanding the church-related property tax exemption to leased property. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5387 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Bauer, Bluechel, Cantu, Craswell, Deccio, Fleming, Hayner, Kreidler, Lee, McDonald, Owen, Rasmussen, Vognlid, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

March 9, 1987

SB 5453 Prime Sponsor, Senator Tanner: Modifying provisions relating to respite care projects. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5453 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Cantu, Craswell, Deccio, Fleming, Hayner, Kreidler, Lee, McDonald, Moore, Owen, Rasmussen, Rinehart, Saling, Talmadge, Vognlid, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1987

SB 5459 Prime Sponsor, Senator Fleming: Requiring affirmative action plans for certain state contractors. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5459 as recommended by Committee on Governmental Operations be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Fleming, Kreidler, Moore, Rinehart, Talmadge, Vognlid, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 9, 1987

SB 5504 Prime Sponsor, Senator Vognlid: Licensing private investigators. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5504 as recommended by Committee on Commerce and Labor be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Fleming, Kreidler, Lee, McDonald, Moore, Owen, Rasmussen, Saling, Talmadge, Vognlid, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

March 9, 1987

SB 5515 Prime Sponsor, Senator Warnke: Revising vessel dealer registration. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5515 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Cantu, Moore, Owen, Rinehart, Talmadge, Vognlid, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1987

SB 5533 Prime Sponsor, Senator DeJarnatt: Directing the preparation of an ocean resources assessment for Washington. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5533 as recommended by Committee on Natural Resources be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Fleming, Kreidler, McDonald, Moore, Owen, Rinehart, Talmadge, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 9, 1987

SB 5538 Prime Sponsor, Senator Owen: Creating the major crimes investigation and assistance unit. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5538 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Cantu, Deccio, Fleming, Hayner, Kreidler, Lee, McDonald, Moore, Owen, Rasmussen, Saling, Talmadge, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

March 9, 1987

SB 5555 Prime Sponsor, Senator Halsan: Establishing the department of information technology. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5555 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Cantu, McDonald, Owen, Rinehart, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 9, 1987

SB 5599 Prime Sponsor, Senator Owen: Establishing receivership provisions for delinquent domestic water suppliers. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5599 as recommended by Committee on Human Services and Corrections be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Fleming, Kreidler, Lee, Moore, Owen, Rasmussen, Rinehart, Saling, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 9, 1987

SB 5625 Prime Sponsor, Senator Gaspard: Providing a pilot program to provide health and assessment services before school begins. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5625 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Fleming, Kreidler, Lee, Moore, Owen, Talmadge, Vognild, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 9, 1987

SB 5632 Prime Sponsor, Senator Bauer: Establishing the learning assistance program. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5632 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Fleming, Kreidler, Moore, Owen, Rasmussen, Rinehart, Talmadge, Vognild, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 9, 1987

SB 5634 Prime Sponsor, Senator Talmadge: Revising provisions governing crime victims compensation. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5634 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Cantu, Craswell, Deccio, Fleming, Hayner, Lee, McDonald, Moore, Owen, Rasmussen, Rinehart, Saling, Talmadge, Vognild, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 9, 1987

SB 5754 Prime Sponsor, Senator Williams: Revising provisions on chewing tobacco. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Fleming, Kreidler, Lee, Rasmussen, Rinehart, Saling, Talmadge, Williams.

Passed to Committee on Rules for second reading.

March 9, 1987

SB 5772 Prime Sponsor, Senator Warnke: Requiring certificate of competency for fire alarm electricians. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5772 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Fleming, Moore, Rasmussen, Rinehart, Talmadge, Vognild, Warnke, Williams, Wojahn.

MINORITY recommendation: Do not pass. Signed by Senators Bluechel, Craswell, Lee, McDonald, Saling.

Passed to Committee on Rules for second reading.

March 9, 1987

SB 5832 Prime Sponsor, Senator Bender: Establishing the office of capital projects. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Deccio, Fleming, Kreidler, Lee, McDonald, Moore, Owen, Rasmussen, Rinehart, Vognild, Warnke, Williams.

Passed to Committee on Rules for second reading.

March 6, 1987

SB 5845 Prime Sponsor, Senator Owen: Revising provisions on forest practices. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5845 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Cantu, Kreidler, Lee, McDonald, Saling, Vognild, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 6, 1987

SB 5858 Prime Sponsor, Senator Johnson: Adopting procedures for the collection of the sales tax on the sale of mobile homes by dealers or selling agents. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5858 as recommended by Committee on Commerce and Labor be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Kreidler, Lee, McDonald, Owen, Rasmussen, Rinehart, Saling, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 9, 1987

SB 5871 Prime Sponsor, Senator Peterson: Requiring child day care facilities at community colleges. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5871 be substituted therefor, and the second substitute bill do pass. Signed by Senators

McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Fleming, Lee, Moore, Rinehart, Saling, Talmadge, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 9, 1987

SB 5973 Prime Sponsor, Senator Rasmussen: Authorizing state reinsurance of titles to tideland and river beds which may be subject to Indian ownership claims. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5973 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Vice Chairman; Bauer, Craswell, Deccio, Hayner, Kreidler, Owen, Rasmussen, Talmadge, Vognild, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

March 9, 1987

SB 6001 Prime Sponsor, Senator Warnke: Relating to classified school district employees' benefits. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6001 as recommended by Committee on Commerce and Labor be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Fleming, Kreidler, Moore, Owen, Rasmussen, Rinehart, Talmadge, Vognild, Warnke, Williams.

MINORITY recommendation: Do not pass. Signed by Senators Bluechel, Cantu, Craswell, Hayner, Lee, McDonald, Saling.

Passed to Committee on Rules for second reading.

March 9, 1987

SB 6064 Prime Sponsor, Senator McDermott: Changing provisions relating to the local excise tax on lodgings. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6064 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Craswell, Deccio, Fleming, Hayner, Kreidler, Lee, McDonald, Moore, Owen, Rasmussen, Rinehart, Saling, Talmadge, Vognild, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

#### MOTION

At 5:46 p.m., on motion of Senator Vognild, the Senate adjourned until 9:00 a.m., Tuesday, March 10, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## FIFTY-EIGHTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Tuesday, March 10, 1987

The Senate was called to order at 9:00 a.m. by President Pro Tempore Rasmussen. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Peterson, Smitherman and von Reichbauer. On motion of Senator Vognild, Senators Peterson and Smitherman were excused. On motion of Senator Zimmerman, Senator von Reichbauer was excused.

The Sergeant at Arms Color Guard, consisting of Pages Christine Lush and Dan Miller, presented the Colors. Reverend Ronald R. Long, senior pastor of the Church of Living Water of Olympia, offered the prayer.

#### MOTION

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

#### MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENT

February 23, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Richard A. Virant, appointed March 1, 1987, for a term ending March 1, 1993, as a member of the Board of Tax Appeals.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Ways and Means.

#### MESSAGES FROM THE HOUSE

March 9, 1987

MR. PRESIDENT:

The Speaker has signed HOUSE BILL NO. 6, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 9, 1987

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 516,

SUBSTITUTE HOUSE BILL NO. 523,

SUBSTITUTE HOUSE BILL NO. 567,

HOUSE BILL NO. 643,

HOUSE BILL NO. 662,

SUBSTITUTE HOUSE BILL NO. 677,

HOUSE BILL NO. 707,

SUBSTITUTE HOUSE BILL NO. 783,

HOUSE BILL NO. 843,

HOUSE BILL NO. 916,

SUBSTITUTE HOUSE BILL NO. 920, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 6.

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

#### SECOND READING

SENATE BILL NO. 5054, by Senators Garrett and Barr

Revising provisions relating to foreclosure proceedings.

The bill was read the second time.

#### MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 5054 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Deccio: "Senator Garrett, I am looking at this and thinking about the insider trading scandals that are going on. I am just wondering if those people who work for the county have privileged information that would allow a county employer or county officer to have an edge on a member of the public who was also interested in having the opportunity of obtaining the property?"

Senator Garrett: "In the first place, of course, Senator Deccio, no elected county official or county employee would take advantage of anything like that. Even if they had the opportunity, they wouldn't do it."

"In the second place, the sale is at a public auction after it is advertised. The thought of the committee and those of us who took a great deal of time to research and study, looking into all aspects of what this bill might really accomplish for local government, as well as the tax paying public, we came to the conclusion that it would be of considerable advantage for the county taxpayers because in most instances, the county officials and the employees would probably be better qualified and have more money, because of a generous salary and the things that they have—they would be in a position to possibly bid higher. Consequently, the county would realize, probably, a lot more money from this. So, with all of our research, we came to the conclusion that there really would be an advantage to the taxpayers in the county. Now, I know you expected a much longer answer than this, but that's about all the information that I have."

Further debate ensued.

#### MOTION

On motion of Senator Bottiger, further consideration of Senate Bill No. 5054 was deferred.

#### SECOND READING

SENATE BILL NO. 5055, by Senators Owen and Pullen

Authorizing ham radio operators to lease state lands.

#### MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 5055 was substituted for Senate Bill No. 5055 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the rules were suspended, Substitute Senate Bill No. 5055 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5055.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5055 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

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

Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Tanner, Vognild, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Peterson, Smitherman, von Reichbauer - 3.

SUBSTITUTE SENATE BILL NO. 5055, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5072, by Senator Kreidler

Authorizing the department of ecology to participate in certain hazardous waste programs.

The bill was read the second time.

#### MOTION

On motion of Senator Kreidler, the rules were suspended, Senate Bill No. 5072 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5072.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5072 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

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

Excused: Senators Peterson, Smitherman, von Reichbauer - 3.

SENATE BILL NO. 5072, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5608, by Senators Kreidler and Hansen

Strengthening the prohibitions against cruelty to animals.

#### MOTIONS

On motion of Senator Hansen, Substitute Senate Bill No. 5608 was substituted for Senate Bill No. 5608 and the substitute bill was placed on second reading and read the second time.

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

On page 3, after line 2, insert the following:

\*NEW SECTION. Sec. 3. (1) If forfeiture is ordered under section 2 of this 1987 act, the court may authorize those involved in caring for the animal to arrange for the adoption or public sale of the animal. If the court authorizes an adoption, the court may set qualifications for those interested in adopting the animal and the adoption process shall be open to the public. If an animal is to be sold, it shall be sold at public auction. Proceeds from the sale shall be applied as follows: (a) First, to the fees and costs of the removal and sale; (b) second, to the costs of caring for the animal; and (c) third, the balance, if any, to the owner of the animal.

(2) Persons caring for an animal pending trial shall be ineligible to adopt that animal.

Renumber the remaining sections consecutively.

Senator Moore moved that the following amendment be adopted:

On page 3, after line 33, insert the following:

\*NEW SECTION. Sec. 5. The legislature finds and declares that certain research activities using animals constitute cruelty as provided in RCW 16.52.010. The legislature further finds and declares that the animal care committee of the University of Washington authorizes many such research activities and that such decisions should be made in open public meetings. Therefore, the animal care committee of the university is hereby subject to chapter 42.30 RCW, the open public meetings act.\*

## POINT OF ORDER

Senator Hansen: "Mr. President, a point of order. I move this is out of the scope and object of the bill we have before us. I believe this was brought up in the total hearings that we had and Senator Moore was guaranteed that we would put a study together to go to the University. The problem with opening any research college up for the rank and file of every environmentalist would be unconscionable. What's one man's cruelty is a matter of doing business in another man's language, so this does expand the scope and object of the bill. We are talking about animals in the private sector out there, not in the research college."

## MOTION

On motion of Senator Vognild, further consideration of Substitute Senate Bill No. 5608 was deferred.

## SECOND READING

SENATE BILL NO. 5668, by Senators Moore, Benitz, Newhouse, Stratton, Smitherman and Williams

Revising provisions on the issuance of securities by public service companies.

The bill was read the second time.

## MOTION

On motion of Senator Moore, the rules were suspended, Senate Bill No. 5668 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5668.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5668 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

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

Excused: Senators Peterson, Smitherman, von Reichbauer - 3.

SENATE BILL NO. 5668, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5692, by Senators Bailey, Hansen, Barr, Anderson and Bauer

Allowing the marketing association of a cooperative to enter into discussions pertaining to milk agreements.

## MOTIONS

On motion of Senator Hansen, Substitute Senate Bill No. 5692 was substituted for Senate Bill No. 5692 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hansen, the rules were suspended, Substitute Senate Bill No. 5692 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5692.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5692 and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner,

Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Tanner, Vognlid, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senators Bottiger, Talmadge - 2.

Excused: Senators Peterson, Smitherman, von Reichbauer - 3.

SUBSTITUTE SENATE BILL NO. 5692, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5723, by Senators Sellar, Hansen, Moore, Saling, Patterson, Metcalf and Lee

Limiting the amount of state supplementation for federally provided cost-of-living adjustments for SSI recipients.

#### MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 5723 was substituted for Senate Bill No. 5723 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Sellar, the following amendments were considered simultaneously and adopted:

On page 1, line 16, after "provided" insert "benefits or"

On page 1, line 17, after "adjustments" strike "in excess of two percent"

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute Senate Bill No. 5723 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5723.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5723 and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

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

Absent: Senator Deccio - 1.

Excused: Senators Peterson, Smitherman, von Reichbauer - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5723, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Cherberg assumed the chair.

#### MOTIONS

On motion of Senator Bender, Senator Kreidler was excused.

#### SECOND READING

SENATE BILL NO. 5764, by Senators Talmadge, McCaslin, Zimmerman and Halsan

Adopting the Washington sunrise act.

The bill was read the second time.

#### MOTIONS

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

On page 1, line 19, after "existing" insert "agencies of the state government."

On motion of Senator Halsan, the rules were suspended, Engrossed Senate Bill No. 5764 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5764.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5764 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

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

Excused: Senators Kreidler, Peterson, Smitherman, von Reichbauer - 4.

ENGROSSED SENATE BILL NO. 5764, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5824, by Senators Halsan, Nelson, Talmadge and Bauer

Making assault at state corrections facilities and local detention facilities a class C felony.

#### MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 5824 was substituted for Senate Bill No. 5824 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 5824 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5824.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5824 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

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

Excused: Senators Peterson, Smitherman, von Reichbauer - 3.

SUBSTITUTE SENATE BILL NO. 5824, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5608 and the pending amendment by Senator Moore on page 3, line 33, deferred earlier today.

#### RULING BY THE PRESIDENT

President Chøberg: "In ruling upon the point of order raised by Senator Hansen, the President finds that Substitute Senate Bill No. 5608 is a measure strengthening the prohibitions against cruelty to animals.

"The amendment proposed by Senator Moore declares certain research activities as animal cruelty and places the animal care committee at the University of Washington under the Open Public Meetings Act.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senator Moore was ruled out of order.

## MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Newhouse moved to reconsider the vote by which the amendment by Senator Kreidler on page 3, line 2, was adopted earlier today.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Newhouse to reconsider the vote by which the amendment by Senator Kreidler on page 3, line 2, was adopted earlier today.

The motion by Senator Newhouse carried and the Senate will reconsider the vote by which the amendment was adopted.

The President declared the question before the Senate to be adoption of the amendment by Senator Kreidler on page 3, line 2, on reconsideration.

The amendment on page 3, line 2, on reconsideration, was not adopted.

## MOTIONS

Senator Metcalf moved that the following amendment by Senators Metcalf, Owen and Hansen be adopted:

On page 3, line 22, after "permitted" insert ": PROVIDED, That in no event shall it be considered cruelty, torture, torment, or neglect to transport a dog in the rear area commonly referred to as the bed, of a pick-up truck, nor shall such activity be prohibited by rule or law"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Metcalf, Owen and Hansen.

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

## MOTION

On motion of Senator Kreidler, the rules were suspended, Engrossed Substitute Senate Bill No. 5608 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5608.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5608 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

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

Excused: Senators Peterson, Smitherman - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5608, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5001, by Senators Talmadge and Halsan

Revising the judicial council.

## MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 5001 was substituted for Senate Bill No. 5001 and the substitute bill was placed on second reading and read the second time.

Senator Nelson moved that the following amendment be adopted:

On page 2, line 13, after "association;" strike all material through "~~(F)~~ Two" 6 and insert: "~~((F))~~ (6) The attorney general; and ~~((Two))~~ (7)"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Nelson.

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

#### MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute Senate Bill No. 5001 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5001.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5001 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator Peterson - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5001, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 10:24 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 11:45 a.m. by President Cherberg.

#### MOTIONS

On motion of Senator Bender, Senator Bauer was excused.

On motion of Senator Bottiger, Senators Tanner and Vognild were excused.

#### SECOND READING

SENATE BILL NO. 5075, by Senators Peterson and Owen

Making historic preservation a priority use of state-owned aquatic lands.

#### MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 5075 was substituted for Senate Bill No. 5075 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the rules were suspended, Substitute Senate Bill No. 5075 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5075.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5075 and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

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

Absent: Senator Cantu - 1.

Excused: Senators Bauer, Peterson, Tanner, Vognild - 4.

SUBSTITUTE SENATE BILL NO. 5075, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5088, by Senators Owen, Warnke, Nelson, Barr and Moore

Including court conferred visitation rights under protection of custodial interference statute.

## MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 5088 was substituted for Senate Bill No. 5088 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 5088 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5088.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5088 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

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

Excused: Senators Bauer, Peterson, Tanner, Vognild - 4.

SUBSTITUTE SENATE BILL NO. 5088, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTIONS

On motion of Senator Bender, Senator Garrett was excused.

## SECOND READING

SENATE BILL NO. 5171, by Senators Hansen, Barr, Gaspard, Bauer, Anderson and Bailey

Removing presumption of negligence in collisions between motor vehicles and livestock.

The bill was read the second time.

## MOTION

On motion of Senator Hansen, the rules were suspended, Senate Bill No. 5171 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5171.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5171 and the bill passed the Senate by the following vote: Yeas, 43; absent, 1; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 43.

Absent: Senator Sellar - 1.

Excused: Senators Bauer, Garrett, Peterson, Tanner, Vognild - 5.

SENATE BILL NO. 5171, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTIONS

At 12:01 p.m., on motion of Senator Bottiger, the Senate recessed until 2:00 p.m.

## AFTERNOON SESSION

The Senate was called to order at 2:00 p.m. by President Cherberg.

## SECOND READING

SENATE BILL NO. 5197, by Senators Gaspard, Rinehart, Saling, Bender, Peterson, Stratton, Conner, Bauer, von Reichbauer and Moore

Establishing the community college international student exchange program.

The bill was read the second time.

## MOTION

On motion of Senator Gaspard, the rules were suspended, Senate Bill No. 5197 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5197.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5197 and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

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

Absent: Senators Kiskaddon, Smitherman - 2.

Excused: Senator Peterson - 1.

SENATE BILL NO. 5197, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5138, by Senators McDermott, McDonald, Hayner, Lee and Rasmussen

Authorizing disclosure of information received under tax deferral and tax credit programs.

The bill was read the second time.

## MOTION

On motion of Senator McDermott, the rules were suspended, Senate Bill No. 5138 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5138.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5138 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

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

Absent: Senator Kiskaddon - 1.

Excused: Senator Peterson - 1.

SENATE BILL NO. 5138, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

There being no objection, the Senate resumed consideration of Engrossed Senate Bill No. 5558, deferred on third reading and final passage on March 6, 1987.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5558.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5558 and the bill passed the Senate by the following vote: Yeas, 39; nays, 8; absent, 1; excused, 1.

Voting yea: Senators Barr, Brauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, Fleming, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Pullen, Rasmussen, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 39.

Voting nay: Senators Anderson, Bailey, Bender, DeJarnatt, Garrett, Lee, Patterson, Rinehart - 8.

Absent: Senator Owen - 1.

Excused: Senator Peterson - 1.

ENGROSSED SENATE BILL NO. 5558, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

#### SECOND READING

SENATE BILL NO. 5556, by Senators Kreidler, Zimmerman and Kiskaddon (by request of Department of Ecology)

Changing provisions relating to floodplain management.

The bill was read the second time.

#### MOTIONS

Senator Bottiger moved that the following amendment by Senators Bottiger and Bluechel be adopted:

On page 3, beginning on line 11, strike everything through "structures" on page 3, line 12, and insert "to conform with the requirements of the national flood insurance program"

Debate ensued.

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Bottiger and Bluechel.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Bottiger carried and the amendment was adopted by the following vote: Yeas, 31; nays, 16; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Pullen, Rasmussen, Saling, Sellar, Tanner, Vognild, von Reichbauer, West - 31.

Voting nay: Senators Bauer, Bender, DeJarnatt, Fleming, Kreidler, McDermott, Moore, Patterson, Rinehart, Smitherman, Stratton, Talmadge, Warnke, Williams, Wojahn, Zimmerman - 16.

Absent: Senator Owen - 1.

Excused: Senator Peterson - 1.

#### MOTION

On motion of Senator Kreidler, the rules were suspended, Engrossed Senate Bill No. 5556 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5556.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5556 and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; absent, 2; excused, 1.

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

Voting nay: Senators Barr, Talmadge - 2.

Absent: Senators Nelson, Owen - 2.

Excused: Senator Peterson - 1.

ENGROSSED SENATE BILL NO. 5556, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5150, by Senators Gaspard, Johnson, Vognild, Warnke, Saling, Nelson, Lee, Garrett, von Reichbauer and Moore

Providing for the portability of public pension benefits.

## MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 5150 was substituted for Senate Bill No. 5150 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McDermott, further consideration of Substitute Senate Bill No. 5150 was deferred.

## SECOND READING

SENATE BILL NO. 5165, by Senators Williams, Stratton, Tanner, Bauer, Bender, Conner, DeJarnatt, Halsan, Talmadge, Garrett, Gaspard, Rasmussen, Rinehart, Wojahn, Smitherman, Owen, Peterson and Moore

Regulating the transportation of radioactive materials.

## MOTIONS

On motion of Senator Williams, Substitute Senate Bill No. 5165 was substituted for Senate Bill No. 5165 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Williams, the rules were suspended, Substitute Senate Bill No. 5165 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5165.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5165 and the bill passed the Senate by the following vote: Yeas, 38; nays, 10; excused, 1.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, Metcalf, Moore, Nelson, Owen, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 38.

Voting nay: Senators Barr, Benitz, Bluechel, Deccio, Hansen, Hayner, McDonald, Newhouse, Patterson, Sellar - 10.

Excused: Senator Peterson - 1.

SUBSTITUTE SENATE BILL NO. 5165, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5179, by Senators Rinehart, Saling, Halsan, Johnson, Warnke and Lee

Increasing the authority of certain agencies to use local private printing companies.

## MOTIONS

On motion of Senator Rinehart, Substitute Senate Bill No. 5179 was substituted for Senate Bill No. 5179 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rinehart, the rules were suspended, Substitute Senate Bill No. 5179 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5179.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5179 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator Peterson - 1.

SUBSTITUTE SENATE BILL NO. 5179, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5150, deferred earlier today.

## MOTIONS

Senator McDonald moved that the following amendment by Senators McDonald and Vognilid be adopted:

On page 7, after line 15, strike all material through "act." on line 20 and insert the following:

"NEW SECTION, Sec. 11. This 1987 act shall be null and void in its entirety unless the legislature, in the 1987-1989 biennial budget, appropriates the sum of six million, three hundred fifty-four thousand dollars to the department of retirement systems, including a transfer of five hundred fifty-four thousand dollars from the department of retirement systems expense fund for the fiscal biennium ending June 30, 1989, to initiate and administer the implementation of this act."

Debate ensued.

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

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

## MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute Senate Bill No. 5150 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Barr: "Senator Gaspard, I know very little about this situation--pensions. Could you describe a few specific situations that create the additional costs? What makes the additional costs? Is this the transfer from one to the other, from the lesser to the more lucrative or what is this?"

Senator Gaspard: "Yes, Senator Barr. In the bill that is before us, we say, 'no member of the pension system shall receive any less than what the individual would get under the current retirement.' It allows them, if it is dual membership, if

they have say, teachers' retirement and the public employees' retirement system, it allows them to combine the two retirement credits to retire at the final average compensation which is, normally, the two highest years."

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

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5150 and the bill passed the Senate by the following vote: Yeas, 34; nays, 14; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, Metcalf, Moore, Nelson, Pullen, Rinehart, Saling, Smitherman, Talmadge, Tanner, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 34.

Voting nay: Senators Anderson, Barr, Benitz, Cantu, Craswell, Deccio, Hayner, McCaslin, Newhouse, Owen, Patterson, Rasmussen, Sellar, Stratton - 14.

Excused: Senator Peterson - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5150, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5327, by Senators Garrett, Johnson, Peterson, Wojahn, Lee, Tanner, Warnke, Williams and Kiskaddon (by request of Joint Select Committee on Disability Employment and Economic Participation)

Requiring the employment security department to report on special attention service given to disabled persons.

The bill was read the second time.

#### MOTION

On motion of Senator Garrett, the rules were suspended, Senate Bill No. 5327 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5327.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5327 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator Peterson - 1.

SENATE BILL NO. 5327, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5403, by Senator Bender

Increasing number of members on veterans affairs advisory committee.

The bill was read the second time.

#### MOTION

On motion of Senator Halsan, the rules were suspended, Senate Bill No. 5403 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5403.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5403 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator Peterson - 1.

SENATE BILL NO. 5403, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5442, by Senator Barr

Requiring department of natural resources to extinguish forest fires as a first priority.

The bill was read the second time.

## MOTION

On motion of Senator Owen, the rules were suspended, Senate Bill No. 5442 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5442.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5442 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator Peterson - 1.

SENATE BILL NO. 5442, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5514, by Senators Talmadge, von Reichbauer, Nelson and Bender

Revising competitive bidding requirements for water and sewer districts.

## MOTIONS

On motion of Senator Halsan, Substitute Senate Bill No. 5514 was substituted for Senate Bill No. 5514 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Halsan, the rules were suspended, Substitute Senate Bill No. 5514 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5514.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5514 and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen,

Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Tanner - 1.

SUBSTITUTE SENATE BILL NO. 5514, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5549, by Senators Stratton, Pullen, Rasmussen and Deccio (by request of Department of Corrections)

Providing for the setting of execution dates.

The bill was read the second time.

#### MOTIONS

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

On page 1, line 12, following "required," insert "However, nothing in this section shall be construed as restricting the defendant's right to be represented by counsel in connection with issuance of a new death warrant."

On motion of Senator Wojahn, the rules were suspended, Engrossed Senate Bill No. 5549 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5549.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5549 and the bill passed the Senate by the following vote: Yeas, 49.

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

ENGROSSED SENATE BILL NO. 5549, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5642, by Senators Gaspard and Saling (by request of Superintendent of Public Instruction)

Authorizing the superintendent of public instruction to receive funds for food services.

The bill was read the second time.

#### MOTION

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 5642 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5642.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5642 and the bill passed the Senate by the following vote: Yeas, 49.

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

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

SENATE BILL NO. 5642, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5678, by Senators Fleming, Patterson, Gaspard, Bauer, Tanner, Zimmerman and Bailey

Authorizing nonresident fees to be waived for deaf students at community colleges.

The bill was read the second time.

#### MOTION

On motion of Senator Rinehart, the rules were suspended, Senate Bill No. 5678 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5678.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5678 and the bill passed the Senate by the following vote: Yeas, 49.

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

SENATE BILL NO. 5678, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE JOINT MEMORIAL NO. 8000, by Senators Halsan, Benitz, Stratton, Newhouse, Owen, Deccio and Barr

Requesting Congress review United States Forest Service designation of spotted owl habitat.

The memorial was read the second time.

#### MOTION

On motion of Senator Halsan, the rules were suspended, Senate Joint Memorial No. 8000 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Joint Memorial No. 8000.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Joint Memorial No. 8000 and the memorial passed the Senate by the following vote: Yeas, 44; nays, 5.

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

Voting nay: Senators Kreidler, McDermott, Moore, Talmadge, Williams - 5.

SENATE JOINT MEMORIAL NO. 8000, having received the constitutional majority, was declared passed.

## SECOND READING

SENATE JOINT MEMORIAL NO. 8008, by Senators Conner, Anderson, Metcalf, Vognild, Kreidler, Tanner, Smitherman, DeJarnatt, Talmadge, Garrett, Peterson and Moore

Requesting funding for a comprehensive oil spill program.

The memorial was read the second time.

## MOTIONS

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

On page 1, line 25, after "local" strike "county"

On motion of Senator Kreidler, the rules were suspended, Engrossed Senate Joint Memorial No. 8008 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Joint Memorial No. 8008.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Joint Memorial No. 8008 and the memorial passed the Senate by the following vote: Yeas, 49.

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

SENATE JOINT MEMORIAL NO. 8008, having received the constitutional majority, was declared passed.

## SECOND READING

SENATE BILL NO. 5478, by Senators Rinehart, Gaspard, Bender, Bauer, Moore, Fleming, Williams, Talmadge, DeJarnatt and McDermott (by request of Governor Gardner and Superintendent of Public Instruction)

Changing provisions relating to school-based day care.

The bill was read the second time.

## MOTIONS

Senator Rinehart moved the following Committee on Education amendment be adopted:

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

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

On page 1, line 6 of the committee amendment, after "act" insert "unless accompanied by a parent or guardian"

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

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

## MOTION

Senator Anderson moved that the following amendment by Senators Anderson and Stratton be adopted:

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

Debate ensued.

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

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

#### MOTION

On motion of Senator Rinehart, the rules were suspended, Engrossed Senate Bill No. 5478 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5478.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5478 and the bill passed the Senate by the following vote: Yeas, 29; nays, 19; absent, 1.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Johnson, Kiskaddon, Kreidler, Lee, McDermott, Moore, Patterson, Peterson, Rasmussen, Rinehart, Smitherman, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 29.

Voting nay: Senators Barr, Benitz, Cantu, Craswell, Deccio, Hansen, Hayner, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Pullen, Saling, Sellar, Stratton, Tanner, West - 19.

Absent: Senator Halsan - 1.

ENGROSSED SENATE BILL NO. 5478, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Bender, Senator Halsan was excused.

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

There being no objection, the Senate resumed consideration of Senate Bill No. 5054, deferred on third reading and final passage earlier today.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5054.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5054 and the bill passed the Senate by the following vote: Yeas, 43; nays, 5; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 43.

Voting nay: Senators Cantu, Deccio, Pullen, West, Zimmerman - 5.

Excused: Senator Halsan - 1.

SENATE BILL NO. 5054, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

#### SECOND READING

SENATE BILL NO. 5245, by Senator Peterson

Expanding use of reflectorized warnings on disabled vehicles.

The bill was read the second time.

#### MOTION

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 5245 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5245.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5245 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator Halsan - 1.

SENATE BILL NO. 5245, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5253, by Senators Wojahn, Lee, Sellar, Peterson, Gaspard, Halsan, Conner, Deccio, Kreidler, Tanner, Hansen, Stratton, Kiskaddon and Bauer

Changing provisions relating to displaced homemakers.

#### MOTIONS

On motion of Senator Wojahn, Substitute Senate Bill No. 5253 was substituted for Senate Bill No. 5253 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Wojahn, the rules were suspended, Substitute Senate Bill No. 5253 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Wojahn, I think I saw a bill coming through the House where they were cutting back on the marriage license fees, but that wasn't the question I really wanted to ask you about. In the background information, it says, 'from the previous role as unpaid homemakers.' I don't understand that. I've always taken my check home and I paid it directly to my wife as did many people on the floor. I think you are taking advantage of the men with that kind of description. It might be for those with a divorce, for those people with the death of a spouse, or a disability. I am sure the homemakers were getting paid all the time with whomever was working. If my wife was working, she'd give the check to me and I'd give it to her. So, it's a fair exchange."

Senator Wojahn: "Well, some woman aren't as fortunate as you, Senator Rasmussen."

Senator Rasmussen: "Well, I don't like the description in here anyway."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5253.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5253 and the bill passed the Senate by the following vote: Yeas, 42; nays, 6; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Owen, Peterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Voting nay: Senators Benitz, Craswell, Newhouse, Patterson, Pullen, Zimmerman - 6.

Excused: Senator Halsan - 1.

SUBSTITUTE SENATE BILL NO. 5253, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5271, by Senators Wojahn, McDermott, Lee, Gaspard, Deccio, McDonald, Zimmerman, Bauer, Johnson, Kiskaddon, Fleming and Garrett

Requiring early submission of executive or agency requests with budgetary impact of \$50,000 or more.

The bill was read the second time.

## MOTION

On motion of Senator McDermott, the rules were suspended, Senate Bill No. 5271 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5271.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5271 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator Halsan - 1.

SENATE BILL NO. 5271, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO 5288, by Senators Smitherman, Halsan and Warnke

Providing reimbursement for institutional care employees of the department of veterans affairs who are victims of assault.

## MOTIONS

On motion of Senator Wojahn, Substitute Senate Bill No. 5288 was substituted for Senate Bill No. 5288 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Wojahn, the rules were suspended, Substitute Senate Bill No. 5288 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5288.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5288 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator Halsan - 1.

SUBSTITUTE SENATE BILL NO. 5288, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 4:26 p.m., on motion of Senator Vognild, the Senate adjourned until 9:00 a.m., Wednesday, March 11, 1987.

JOHN A. CHERBERG, President of the Senate.  
SID SNYDER, Secretary of the Senate.

## FIFTY-NINTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Wednesday, March 11, 1987

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bailey, Gaspard, Peterson, Sellar, Smitherman and von Reichbauer. On motion of Senator Bender, Senators Gaspard and Peterson were excused. On motion of Senator Zimmerman, Senators Bailey, Sellar and von Reichbauer were excused.

The Sergeant at Arms Color Guard, consisting of Pages Jason Carlson and Michael Pruitt, presented the Colors. Reverend Ronald R. Long, senior pastor of the Church of Living Water of Olympia, offered the prayer.

#### MOTION

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

#### MESSAGE FROM THE HOUSE

March 9, 1987

MR. PRESIDENT:

The House has passed:

ENGROSSED HOUSE BILL NO. 235,

ENGROSSED HOUSE BILL NO. 432, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

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

#### SECOND READING

SENATE BILL NO. 5379, by Senators Owen, DeJarnatt, Conner and Rasmussen

Providing for the enhancement of Grays Harbor salmon production.

The bill was read the second time.

#### MOTION

On motion of Senator Owen, the rules were suspended, Senate Bill No. 5379 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5379.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5379 and the bill passed the Senate by the following vote: Yeas, 43; absent, 1; excused, 5.

Voting yeas: Senators Anderson, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Tanner, Vognild, Warnke, West, Williams, Wojahn, Zimmerman - 43.

Absent: Senator Smitherman - 1.

Excused: Senators Bailey, Gaspard, Peterson, Sellar, von Reichbauer - 5.

SENATE BILL NO. 5379, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5355, by Senators Talmadge, Moore and Fleming

Providing a sales and use tax exemption for clothing donated to low-income persons.

The bill was read the second time.

## MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 5355 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5355.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5355 and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Anderson, Barr, Bauer, Bender, Benitz, Bluechel, Bottger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Tanner, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Absent: Senator Smitherman - 1.

Excused: Senators Bailey, Gaspard, Peterson, Sellar - 4.

SENATE BILL NO. 5355, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5359, by Senators Moore, Bluechel, Gaspard and Johnson

Revising provisions relating to the state actuary and creating a joint committee on pension policy.

The bill was read the second time.

## MOTION

On motion of Senator McDermott, the rules were suspended, Senate Bill No. 5359 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Newhouse: "Senator McDermott, we passed a bill out of here yesterday, Senate Bill No. 5150, part of it providing portability, but in it is a statutory committee to investigate pension systems. Then we see the same, almost identical type language, in this Bill—5359. Isn't that a duplication?"

Senator McDermott: "Senator Newhouse, we are ultimately going to have to come to some resolution to that conflict. You are correct in picking it up. It is something that will ultimately be resolved. I am not sure the portability bill is going to make it all the way to the Governor's desk, so I thought that it was reasonable that we send along a bill that I am quite certain, will make the Governor's desk."

Senator Newhouse: "This is what's called using a shotgun, rather than a rifle?"

Senator McDermott: "It's actually having a pair of suspenders and a belt."

Further debate ensued.

## MOTION

On motion of Senator Bender, Senator Owen was excused.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5359

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5359 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

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

Excused: Senators Owen, Peterson, Sellar - 3.

SENATE BILL NO. 5359, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

## MOTION

On motion of Senator Kreidler, Gubernatorial Appointment No. 9008, Moyes Lucas, as a member of the State Parks and Recreation Commission, was confirmed.

## APPOINTMENT OF MOYES LUCAS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

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

Excused: Senators Peterson, Sellar - 2.

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

## MOTION

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

## SENATE RESOLUTION 1987-8624

by Senators Halsan, Rasmussen and Zimmerman

WHEREAS, Trooper Robert A. Cosser was commissioned in the Washington State Patrol on November 12, 1964, after attending the State Patrol Academy and service as a cadet assigned to Vancouver; and

WHEREAS, Trooper Cosser, born in Port Angeles, and a graduate of Port Angeles High School, served in the United States Navy from 1956 to 1958, attended Centralia College and The Evergreen State College obtaining a Bachelor of Arts degree; and

WHEREAS, After twelve years with the patrol, Trooper Cosser began a career as a traffic safety education officer with the State Patrol, bringing respect for law enforcement and safety consciousness to all the children he came into contact with; and

WHEREAS, Even after the elimination of funding for traffic safety education, while assigned to road patrol, Trooper Cosser has dedicated countless hours on a volunteer basis presenting safety programs to children; and

WHEREAS, Because of his commitment to the safety of our children, Trooper Cosser was presented on May 19, 1986, with the Chief's Award for distinguished and devoted service and for continued outstanding community service; and

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate, on behalf of the people of the state expresses its deepest gratitude to the one, the only, the original "Trooper Bob", and all the other dedicated troopers who have over the years served as safety education officers for the inestimable benefit they have given to the state, and for the lives of the children saved or given new direction by their example and instruction; and

BE IT FURTHER RESOLVED, That copies of this resolution be given to "Trooper Bob" Cossar, his wife Janet and their two sons, Daniel and David, and that a copy be sent to George Tellevik, Chief of the Washington State Patrol.

#### INTRODUCTION OF SPECIAL GUESTS

The President introduced Chief of the Washington State Patrol, George Tellevik, who in turn introduced Trooper Bob Cossar, his wife Janet and their two sons, Daniel and David, who were seated on the rostrum.

With permission of the Senate, business was suspended to permit Trooper Bob to address the Senate.

#### APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Halsan, Hansen, Williams, Lee, Newhouse and Bauer as a committee to escort Chief Tellevik and Trooper Bob and his family from the Senate Chambers.

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

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

##### MOTION

On motion of Senator Owen, Gubernatorial Appointment No. 9028, Donald M. Ford, as a member of the Oil and Gas Conservation Committee, was confirmed.

#### APPOINTMENT OF DONALD M. FORD

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

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

Absent: Senator Patterson - 1.

Excused: Senators Peterson, Sellar - 2.

##### MOTION

On motion of Senator Halsan, Gubernatorial Appointment No. 9033, Charles Alexander, as a member of the State Personnel Board, was confirmed.

#### APPOINTMENT OF CHARLES ALEXANDER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; absent, 4; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 43.

Absent: Senators McCaslin, McDermott, Moore, Williams - 4.

##### MOTION

On motion of Senator Halsan, Gubernatorial Appointment No. 9034, Joanne Bailey Wilson, as a member of the Personnel Appeals Board, was confirmed.

#### APPOINTMENT OF JOANNE BAILEY WILSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

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

Voting nay: Senator Moore - 1.

Excused: Senators Peterson, Sellar - 2.

#### MOTION

On motion of Senator Talmadge, Gubernatorial Appointment No. 9046, Judge Donald H. Thompson, as a member of the Sentencing Guidelines Commission, was confirmed.

#### APPOINTMENT OF JUDGE DONALD H. THOMPSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

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

Excused: Senators Peterson, Sellar - 2.

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

#### MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

April 16, 1986

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

I have the honor to submit the following appointment, subject to your confirmation.

Barbara Granlund, appointed April 16, 1986, for a term ending August 2, 1988, as a member of the Sentencing Guidelines Commission, succeeding Warren L. Netherland.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Judiciary.

February 17, 1987

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

I have the honor to submit the following appointment, subject to your confirmation.

John P. Kinskern, appointed February 17, 1987, for a term ending September 30, 1991, as a member of the Board of Trustees for Highline Community College, District No. 9.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Education.

February 17, 1987

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

I have the honor to submit the following appointment, subject to your confirmation.

Ernest M. Conrad, appointed February 17, 1987, for a term ending September 30, 1991, as a member of the Board of Trustees for Olympic Community College, District No. 3.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Education.

February 26, 1987

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

I have the honor to submit the following appointment, subject to your confirmation.

Lawrence M. Killeen, appointed February 26, 1987, for a term ending October 25, 1991, as a member of the Small Business Export Financial Assistance Center Board of Directors.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

#### APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chambers of the Honorable Consul General of Israel, Yaacov Sella, and appointed Senators Cantu, Fleming, Bender and Deccio to escort the honored guest to the rostrum.

With permission of the Senate, business was suspended to permit Consul General Sella to address the Senate.

The honored guest was escorted from the Senate Chambers and the committee was discharged.

#### MOTION

At 10:20 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 11:29 a.m. by President Cherberg.

#### MOTION

At 11:29 a.m., on motion of Senator Vognild, the Senate recessed until 2:00 p.m.

#### AFTERNOON SESSION

The Senate was called to order at 2:20 p.m. by President Cherberg.

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

#### SECOND READING

SENATE BILL NO. 5391, by Senators Hansen, Barr and Sellar

Creating the essential rail banking account.

#### MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 5391 was substituted for Senate Bill No. 5391 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Vognild, the rules were suspended. Substitute Senate Bill No. 5391 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5391.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5391 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

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

Excused: Senators Peterson, Sellar - 2.

SUBSTITUTE SENATE BILL NO. 5391, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5849, by Senators Bottiger, Deccio, Talmadge and Sellar

Requiring a notice of insurance cancellation be sent to agent or broker who procured the policy.

## MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 5849 was substituted for Senate Bill No. 5849 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Moore, the rules were suspended, Substitute Senate Bill No. 5849 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5849.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5849 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

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

Excused: Senators Peterson, Sellar - 2.

SUBSTITUTE SENATE BILL NO. 5849, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 2:36 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 3:17 p.m. by President Cherberg.

## SECOND READING

SENATE BILL NO. 5393, by Senators Tanner, Warnke, Lee, Smitherman, Williams, Talmadge, Wojahn, Rasmussen and Moore (by request of Joint Select Committee on Unemployment Insurance and Compensation)

Making older unemployed workers and the long-term unemployed the highest priority for services available from the job service program of the employment security department.

## MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 5393 was substituted for Senate Bill No. 5393 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Warnke, the rules were suspended, Substitute Senate Bill No. 5393 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5393.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5393 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

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

Excused: Senators Peterson, Sellar - 2.

SUBSTITUTE SENATE BILL NO. 5393, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## INTRODUCTION OF SPECIAL GUESTS

The President introduced Superintendent of Public Instruction, Dr. Frank B. Brouillet, who in turn introduced exchange teachers from China; Liu Zaarong, teaching at Ferndale High School, Xie Yi Fu, teaching at Snohomish High School and Fu Zhong Xiang, teaching in the Seattle School District.

The honored guests remained on the Senate Rostrum to observe the Senate proceedings.

## SECOND READING

SENATE BILL NO. 5604, by Senators Vognild, Nelson, Bottiger, Rasmussen, Owen, Craswell, Bailey, Benitz, Hayner and Johnson (by request of the Governor Gardner and Commissioner of Public Lands)

Authorizing the conveyance of land for a United States Navy base in Everett.

## MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 5604 was substituted for Senate Bill No. 5604 and the substitute bill was placed on second reading and read the second time.

Senator Kreidler moved that the following amendments by Senators Kreidler and Talmadge be considered simultaneously and adopted:

On page 1, line 18, after "Sound" and before the period, insert ", and the principle of mitigation or replacement of losses of natural resources benefits from uses of state bedlands"

On page 2, line 20, after "Everett," insert "The commissioner shall charge a rental for the leased lands based upon an estimate of the edible shellfish and other valuable natural resources then present upon the lands, and the costs of replacing such resources through enhancement programs conducted upon other state bedlands within Puget Sound."

Debate ensued.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Kreidler, how deep is this site up there at Port Gardner where they are planning on dumping the dredge spoils?"

Senator Kreidler: "Just a couple of hundred feet deep, Senator."

Senator Rasmussen: "I thought it was about three hundred, or a little bit more. I was wondering, could you tell us about how much has ever been harvested off that area in the line of clams and shrimp and things like that?"

Senator Kreidler: "To the best of my knowledge, there has been no harvesting that has taken place there. However, Senator, I think it's important to know there is a lot we do not know about marine life in the bottom of the Puget Sound, including such things as crabs and just exactly where they might raid about, and so forth. The economic impact there could be significant. Then again, it might not, but we are looking here to establish and maintain what has been a precedent on other D & R leases."

Senator Rasmussen: "You wouldn't be establishing some nuisance amendments would you?"

Senator Kreidler: "Absolutely not, Senator."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senators Kreidler and Talmadge.

The motion by Senator Kreidler failed and the amendments were not adopted.

## MOTION

Senator Kreidler moved that the following amendment by Senators Kreidler and Talmadge be adopted:

On page 2, line 17, after "Bay" insert "after permits required under the authority of the Washington state shoreline management act (chapter 90.58 RCW) are issued"

Debate ensued.

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

The motion by Senator Kreidler failed and the amendment was not adopted.

## MOTION

Senator Kreidler moved that the following amendment by Senators Kreidler and Talmadge be adopted:

On page 3, line 6, after "(b)" insert "all necessary state permits including those issued under the Washington state shoreline management act (chapter 90.58 RCW) and"

Debate ensued.

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

The motion by Senator Kreidler failed and the amendment was not adopted.

## MOTION

Senator Vognild moved that the following amendment by Senators Vognild, Nelson, Bender and Owen be adopted:

On page 3, line 19, after "state," insert "The department of natural resources will follow the requirements outlined in RCW 79.08.015 in making the exchange. The department must exchange the state's tidelands for lands of equal value, and the land received in the exchange must be suitable for natural preserves, recreational purposes, or have commercial value. The lands must not have been previously used as a waste disposal site. Choice of the site must be made with the advice and approval of the board of natural resources."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Vognild, Nelson, Bender and Owen.

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

## MOTION

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

On page 2, line 14, strike "and"

On page 2, line 16, after "chapter," insert "and upon verification that the Congress has enacted legislation providing for the specific waiver of federal governmental immunity from suit."

Debate ensued.

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

The motion by Senator Talmadge failed and the amendments were not adopted.

## MOTION

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

On page 2, line 35, delete "reasonable and appropriate"

On page 2, line 35, after "conditions" insert "except the public access requirement"

Debate ensued.

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

The motion by Senator Rinehart failed and the amendments were not adopted.

## MOTION

On motion of Senator Owen, the rules were suspended, Engrossed Substitute Senate Bill No. 5604 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5604.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5604 and the bill passed the Senate by the following vote: Yeas, 40; nays, 8; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Hayner, Johnson,

Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Smitherman, Stratton, Tanner, Vognild, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 40.

Voting nay: Senators Conner, Garrett, Kreidler, McDermott, Moore, Rinehart, Talmadge, Williams - 8.

Excused: Senator Sellar - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5604, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

Senator Vognild moved that Engrossed Substitute Senate Bill No. 5604 be immediately transmitted to the House of Representatives.

Debate ensued.

There being no objection, Senator Vognild withdrew the motion.

#### SECOND READING

SENATE BILL NO. 5094, by Senator Bottiger

Taxing the labor rendered by speculative builders.

#### MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 5094 was substituted for Senate Bill No. 5094 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 5094 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5094.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5094 and the bill passed the Senate by the following vote: Yeas, 30; nays, 17; absent, 1; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kreidler, McDermott, Metcalf, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 30.

Voting nay: Senators Anderson, Barr, Benitz, Bluechel, Craswell, Deccio, Hayner, Kiskaddon, Lee, McCaslin, McDonald, Newhouse, Pullen, Saling, von Reichbauer, West, Zimmerman - 17.

Absent: Senator Nelson - 1.

Excused: Senator Sellar - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5094, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5180, by Senators Rinehart, Saling and Stratton

Raising the maximum dollar amount that may be spent for state purchases without competitive bidding.

#### MOTIONS

On motion of Senator Halsan, Substitute Senate Bill No. 5180 was substituted for Senate Bill No. 5180 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bluechel, the following amendment by Senators Bluechel and Rinehart was adopted:

On page 2, line 10, after "price" insert "and may be obtained by telephone or written quotations, or both. Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry"

## MOTION

On motion of Senator Halsan, the rules were suspended, Engrossed Substitute Senate Bill No. 5180 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5180.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5180 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator Sellar - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5180, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5181, by Senator Tanner

Prohibiting the dumping of trash in charitable donation receptacles.

## MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 5181 was substituted for Senate Bill No. 5181 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 5181 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Tanner, this bill has a lot of merit and I'm all for it. Part of it that's bothering me is, how do you define 'trash?' One person's trash is another person's treasure and that's why a lot of us go down to the Salvation Army looking for treasure. I am concerned because if I were to come and dump a load of aluminum cans, somebody might say that is trash, yet it's very valuable and the same goes for newspapers—they are collecting those now. What type of definition do you have for the trash that is not permitted?"

Senator Tanner: "Senator Rasmussen, I thank you for asking that question and only charging me \$10 for asking it. The definition that is used in the bill including trash, includes, but is not limited to, items that have deteriorated to the extent that they are no longer of monetary value or of use for the purposes they were intended.

"Garbage, including organic matter or litter, in or around a receptacle, is not allowed. The definition that's in there was worked quite a bit and is about the best definition we could come up with. I agree with you that there is a problem with defining trash in terms of what's valuable to one person, may not be to another. One of the primary purposes of this bill was to allow, and in fact, require that a notice be posted on these receptacles that it is a criminal penalty to dispose of trash in there and that, along with a couple fairly visible prosecutions, are believed to be the major deterrent to this problem as opposed to, for instance, a long series of prosecutions. I think the existence of the statute and the notice posted on the container, will do the most good."

Senator Rasmussen: "Senator Tanner, thank you for that explanation. One question on the posting on the boxes. Are they going to define what trash they will accept and what they won't?"

Senator Tanner: "There was some discussion of identifying a container as accepting, for instance, clothing versus other things like newspapers and I think the testimony was that most often, that is done anyway. The notices that will be posted on these containers will be large and make it very clear that it is illegal to dump any trash in them."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5181.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5181 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator Sellar - 1.

SUBSTITUTE SENATE BILL NO. 5181, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5213, by Senators Williams, Owen, Smitherman and Conner

Revising provisions relating to construction of energy facilities.

#### MOTIONS

On motion of Senator Williams, Substitute Senate Bill No. 5213 was substituted for Senate Bill No. 5213 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Williams, the rules were suspended. Substitute Senate Bill No. 5213 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5213.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5213 and the bill passed the Senate by the following vote: Yeas, 40; nays, 7; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Bauer, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, Metcalf, Moore, Nelson, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognlid, Warnke, West, Williams, Wojahn, Zimmerman - 40.

Voting nay: Senators Barr, Benitz, Craswell, McCaslin, Newhouse, Pullen, von Reichbauer - 7.

Absent: Senator Bender - 1.

Excused: Senator Sellar - 1.

SUBSTITUTE SENATE BILL NO. 5213, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5294, by Senators Barr, Hansen and Lee

Limiting application of predecessor-successor employer unemployment contribution rates to changes of ownership.

The bill was read the second time.

## MOTIONS

On motion of Senator Warnke, the following Committee on Commerce and Labor amendment was adopted:

On page 2, line 16, after "ownership," insert

"This act shall be applied retroactively from January 1, 1984."

On motion of Senator Warnke, the rules were suspended, Engrossed Senate Bill No. 5294 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Bottiger: "Senator Barr, I understand this bill is that those people in that situation would like to keep the advantage they had of not having laid-off a lot of people?"

Senator Barr: "Yes, that's true."

Senator Bottiger: "In our law office, every once in a while we have a partner subtracted, but we have a very good experience rating so we don't pay any penalties and it's not fair, just because you change your name by adding a new partner, to have to pay higher penalties."

Senator Barr: "That's exactly right. If they go along and haven't laid-off any people then they change their name and the new rate is quite a bit higher, then they do not have, under current law, the opportunity to use their experience rating from before in their old name."

Senator Bottiger: "Do you see any difference in that if they say, had a contract with a labor union and they changed their name and then wanted to get out of the contract?"

Senator Barr: "I can't relate that to the situation at all."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5294.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5294 and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

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

Voting nay: Senators Bender, Vognild - 2.

Excused: Senator Sellar - 1.

ENGROSSED SENATE BILL NO. 5294, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5301, by Senators Halsan, Talmadge and Kreidler

Regulating vicious dogs.

## MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 5301 was substituted for Senate Bill No. 5301 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Halsan, the following amendments were considered simultaneously and adopted:

On page 3, line 25, after "under" strike "control" and insert "physical restraint"

On page 4, line 12, after "restraint of the" strike "owner" and insert "responsible person"

## MOTION

On motion of Senator Halsan, the rules were suspended, Engrossed Substitute Senate Bill No. 5301 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Bottiger: "Senator Halsan, I would hope that it's not the intent of the Senate that a dog who chases other dogs off the owner's property would be considered to be a potentially dangerous dog, because, at least with my dog, on occasion catches up with the dog he is chasing off and gives them a nip. I notice we are saying, 'means any dog that when unprovoked.' Usually, he is unprovoked other than somebody comes into the yard. It goes on to say, 'inflicts bites on a human or domestic animal.' I hope it is not our intent to—"

Senator Halsan: "It is not the intent of the legislation to do that. I would note that, in fact, there are provisions in there that willful trespassers do not bring a dog within the gamut of the act if, in fact, they are in the course of a willful trespass. There are also provisions relative to guard work of dogs and that would, as well, be potentially very easy to argue as being a provoked act by the animals. No, it is not the intent of the language to cover that situation. However, if your dog went onto other peoples' property and was chasing animals there, that might be a different story."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5301.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5301 and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

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

Voting nay: Senators Barr, Pullen - 2.

Excused: Senator Sellar - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5301, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5348, by Senators Conner, Peterson, Patterson, Halsan and Garrett (by request of Department of Licensing)

Permitting hulk haulers to verify vehicle ownership from department of licensing records.

The bill was read the second time.

#### MOTION

On motion of Senator Hansen, the rules were suspended, Senate Bill No. 5348 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5348.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5348 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

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

Absent: Senator Barr - 1.

Excused: Senator Sellar - 1.

SENATE BILL NO. 5348, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5365, by Senators Talmadge, Zimmerman, Barr, Gaspard, Owen, Rasmussen, Deccio, Johnson and Nelson (by request of Legislative Budget Committee)

Strengthening the regulation of personal service contracts.

#### MOTIONS

On motion of Senator Halsan, Substitute Senate Bill No. 5365 was substituted for Senate Bill No. 5365 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Halsan, the following amendments were considered simultaneously and adopted:

On page 3, line 4, after "services." strike all material down to and including "services."

On page 5, line 35, after "source:" strike all material down to and including "services" on line 36 and insert:

(6) Contracts for client services; and

(7) Contracts for architectural and engineering services as defined in RCW 39.80.020, which shall be entered into pursuant to the provisions of chapter 39.80 RCW"

On page 6, line 13, after "section" strike "9" and insert "8"

#### MOTION

On motion of Senator Halsan, the rules were suspended, Engrossed Substitute Senate Bill No. 5365 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5365.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5365 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

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

Absent: Senator Lee - 1.

Excused: Senator Sellar - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5365, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5372, by Senators Williams, Hansen, Bauer and Smitherman (by request of Energy Facility Site Evaluation Council)

Changing provisions relating to issuance of permits and site certification for energy facilities.

#### MOTIONS

On motion of Senator Williams, Substitute Senate Bill No. 5372 was substituted for Senate Bill No. 5372 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Williams, the rules were suspended, Substitute Senate Bill No. 5372 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5372.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5372 and the bill passed the Senate by the following vote: Yeas, 33; nays, 13; absent, 2; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, McDermott, Metcalf, Moore, Nelson, Owen, Peterson, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 33.

Voting nay: Senators Anderson, Barr, Benitz, Bluechel, Craswell, Deccio, Hayner, McCaslin, McDonald, Newhouse, Patterson, Pullen, Rasmussen - 13.

Absent: Senators Lee, West - 2.

Excused: Senator Sellar - 1.

SUBSTITUTE SENATE BILL NO. 5372, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5502, by Senators Rinehart, Warnke, Halsan, Lee, Wojahn, Talmadge, Tanner, Bottiger, Bailey, Smitherman, Vognild, Williams, Garrett, Stratton and Moore

Creating enforcement provisions for new motor vehicle warranties.

#### MOTION

On motion of Senator Warnke, Substitute Senate Bill No. 5502 was substituted for Senate Bill No. 5502 and the substitute bill was placed on second reading and read the second time.

#### MOTION

On motion of Senator Vognild, further consideration of Substitute Senate Bill No. 5502 was deferred.

#### MOTION

On motion of Senator Zimmerman, Senators Anderson and Lee were excused.

#### SECOND READING

SENATE BILL NO. 5605, by Senators Peterson, Conner, Patterson, Rasmussen and Garrett (by request of Department of Licensing)

Revising procedures for proportional vehicle registration.

The bill was read the second time.

#### MOTION

On motion of Senator Hansen, the rules were suspended, Senate Bill No. 5605 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5605.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5605 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

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

Excused: Senators Anderson, Lee, Sellar - 3.

SENATE BILL NO. 5605, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5667, by Senators Warnke, von Reichbauer and Lee

Revising procedures for disposition of personal property.

The bill was read the second time.

#### MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 5667 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5667.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5667 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

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

Excused: Senators Anderson, Lee, Sellar - 3.

SENATE BILL NO. 5667, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5502, deferred on second reading earlier today.

#### MOTIONS

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

On page 6, line 8, after "manufacturer" strike "or its authorized agents" and insert ", its agent, or the new motor vehicle dealer"

Senator Vognild moved that the following amendment by Senators Vognild, Bauer and Newhouse be adopted:

On page 6, line 18, after "replacements" strike all material down through "instructions." on line 21 and insert:

"Manufacturers shall not have a cause of action against dealers under this chapter, but may pursue rights and remedies in other proceedings in accordance with the manufacturer-dealer franchise agreement. Consumers shall not have a cause of action against dealers under this chapter, but a violation of any responsibilities imposed upon dealers under this chapter is a per se violation of chapter 19.86 RCW. Consumers may pursue rights and remedies against dealers under any other law, including chapters 46.70 and 46.71 RCW. Manufacturers and consumers may not make dealers parties to arbitration board proceedings under this chapter."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Vognild, Bauer and Newhouse.

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

#### MOTION

On motion of Senator Rinehart, the following amendments by Senators Rinehart, McDermott and Vognild were considered simultaneously and adopted:

On page 11, line 5, strike "custody of the state treasurer" and insert "state treasury"

On page 11, beginning on line 6, strike "and are not" and insert "."

#### MOTIONS

On motion of Senator Warnke, the following amendment by Senators Rinehart, McDermott and Vognild was adopted:

On page 12, after line 25, insert the following:

**\*NEW SECTION.** Sec. 16. (1) There is appropriated from the new motor vehicle arbitration account to the attorney general for the biennium ending June 30, 1989, the sum of two million dollars, or so much thereof as may be necessary, to carry out the purposes of this act.

(2) Before January 1, 1988, the attorney general may expend funds appropriated under this section to establish the new motor vehicle arbitration boards."

Renumber the remaining sections consecutively.

On motion of Senator Warnke, the following title amendment was adopted:  
On page 1, line 4 of the title, after "penalties;" insert "making an appropriation;"

#### MOTION

On motion of Senator Warnke, the rules were suspended. Engrossed Substitute Senate Bill No. 5502 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5502.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5502 and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; excused, 2.

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

Voting nay: Senators Benitz, Johnson - 2.

Excused: Senators Lee, Sellar - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5502, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Zimmerman, Senator McCaslin was excused.

#### SECOND READING

SENATE BILL NO. 5717, by Senators Cantu and Rasmussen

Requiring disclosure by nonprofit corporations of their financial activities.

#### MOTIONS

On motion of Senator Halsan, Substitute Senate Bill No. 5717 was substituted for Senate Bill No. 5717 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Halsan, the rules were suspended, Substitute Senate Bill No. 5717 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Smitherman: "Senator Cantu, under the provisions of this bill, could labor unions be required to report?"

Senator Cantu: "Senator Smitherman, this is nothing more than a study. There are no reporting requirements in the bill as it exists today. There were originally, but all this will do now is have the Secretary of State make a correlation between the forms that are submitted to their office and those they submit to the Internal Revenue Service. They will be looking at all those corporations that make those returns."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5717.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5717 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

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

Excused: Senators Lee, McCaslin, Sellar - 3.

SUBSTITUTE SENATE BILL NO. 5717, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5739, by Senators Vognilid, Warnke and Smitherman

Revising requirements for escrow agents for bonds and errors and omissions policies.

The bill was read the second time.

## MOTION

On motion of Senator Warnke, the rules were suspended, Senate Bill No. 5739 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5739.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5739 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

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

Excused: Senators Lee, McCaslin, Sellar - 3.

SENATE BILL NO. 5739, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5787, by Senators Warnke and Smitherman

Creating provisions for abandoned mobile homes located in trailer parks.

## MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 5787 was substituted for Senate Bill No. 5787 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Warnke, the rules were suspended, Substitute Senate Bill No. 5787 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5787.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5787 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman,

Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Lee, McCaslin, Sellar - 3.

SUBSTITUTE SENATE BILL NO. 5787, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5834, by Senators Gaspard, Bailey, Bauer and Benitz

Changing common school curriculum requirements to include science with an emphasis on the environment.

The bill was read the second time.

#### MOTION

On motion of Senator Gaspard, the rules were suspended, Senate Bill No. 5834 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Patterson: "Senator Gaspard, there's no indicated fiscal impact on this bill and as I read the language, environmental science will become a part of basic education in this state. The question of qualified teachers and whether or not there will be requirements for additional teachers in order to meet the now added environmental science program. I just wonder if anyone has taken a look at the potential additional cost to the total system? I was just wondering if you have done that?"

Senator Gaspard: "Senator Patterson, I have before me a fiscal note prepared. Let me read part of that note to you, 'This has no fiscal impact on the Superintendent of Public Instruction's Office, because curriculum guidelines for science have already been developed.' These guidelines include environmental science."

Senator Patterson: "My question is, having qualified teachers in the area of environmental science. I'm in support of the legislation. I am merely trying to point out that this will make it part of basic education and there will be some additional costs. I support the concept, but I think that we should at least raise the flag, at this point in time, to say there are going to be in the future some major additional costs—that each school in this state will be required to offer, as part of the mandatory curriculum, and that will cost additional dollars. I just wanted to point that out."

Senator Gaspard: "Senator Patterson, in further response, for the last three years that this issue has been before us, we have not had any opposition from any of the school districts at all. Certainly, if the school districts are not supplying the type of materials that might be needed for environmental science, there might be some costs involved in supplying that material. It's my understanding that most school districts are and I'm not aware of any that aren't, because it hasn't been brought to our attention."

#### POINT OF INQUIRY

Senator DeJarnatt: "Senator Gaspard, is the intent of this to have something that is beyond the regular prescribed science classes, or are these units to be incorporated within presently taught science programs?"

Senator Gaspard: "Senator DeJarnatt, I would say it is to be included within the current units. It would not necessarily establish any new units."

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Gaspard, Senator DeJarnatt touched on something on what my question was. Is this law really needed? Let me go a little further with that. How many hours of environmental science does this require? Let me explain why I am asking this question, Senator Gaspard, while you are thinking over the answer. I recall hearing a very lively discussion in our caucus and this is not revealing anything to the other side. In our caucus, it was suggested that maybe we pass the bill and stop doing so much regulating and let the schools get back to educating. I think you can recall that—you participated. Here we are

passing another regulation and that is why I ask you, is it needed? Senator DeJarnatt indicated there is study of science, geography and related subjects and here we are telling them they have to go into environmental science. Well, everyone is for it, just like motherhood. Can you explain why we need the law?"

Senator Gaspard: "Senator Rasmussen, if the criteria that you should use to judge whether or not this bill is necessary in order to prevent the fall of western civilization, I guess then, no, it's not necessary, but certainly it's important for a number of people and that is why it was brought to us. It makes some, I think, common sense approaches to our curriculum in high schools and I think it makes sense. We can argue and debate whether or not you want to include environmental sciences. It will probably not do a great deal to change the major school districts operations, but it is one bill that is the result of a task force of which both the environmental groups and industry has recommended to us to make the change."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5834.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5834 and the bill passed the Senate by the following vote: Yeas, 38; nays, 8; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kreidler, McDermott, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn - 38.

Voting nay: Senators Craswell, Hayner, Kiskaddon, McDonald, Metcalf, Moore, Rasmussen, Zimmerman - 8.

Excused: Senators Lee, McCaslin, Sellar - 3.

SENATE BILL NO. 5834, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

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

#### SECOND READING

SENATE BILL NO. 5939, by Senators Smitherman, von Reichbauer, Kreidler and Bluechel

Directing the department of social and health services to review alternatives for on-site sewage disposal systems.

The bill was read the second time.

#### MOTION

On motion of Senator Kreidler, the rules were suspended, Senate Bill No. 5939 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator McDonald: "Senator Smitherman, what exactly is meant by 'on-site sewage systems?' Are you talking about septic tanks or are you talking about something for a much larger community?"

Senator Smitherman: "Senator McDonald, there are a number of systems that have been tested in Europe, for example, I could give some brand names, but I don't think that would be appropriate. These systems are actually self-contained systems that are supposed to, in some cases, treat sewage on-site to secondary standards and the only thing that comes out of those systems then, is almost like clear water. They have to be cleaned though occasionally, at least once a year in everyone that I've seen, but there are a number of different systems that are available."

Senator McDonald: "Are we talking about single family dwellings or are you talking about more extensive?"

Senator Smitherman: "In the case of Gig Harbor, there is a system that has been installed and it is for a multiple unit and one that has also been installed for a business. It's possible for these units to handle up to--the ones that I've seen and materials I've read on it--up to one hundred units of residential dwellings, some even larger, I guess."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5939.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5939 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

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

Excused: Senators Lee, McCaslin, Owen, Sellar, Warnke - 5.

SENATE BILL NO. 5939, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5943, by Senators Nelson, Williams, Kiskaddon, Conner and Anderson

Revising provisions on the small claims department of district court.

The bill was read the second time.

#### MOTION

Senator Halsan moved that the following amendment be adopted:

On page 1, line 22, after "dollars" insert: Any appeal taken by a party who requested the exercise of jurisdiction by the small claims department shall be de novo to the district court

Debate ensued.

#### POINT OF INQUIRY

Senator Deccio: "Senator Halsan, the present limit is one thousand dollars? Is that correct?"

Senator Halsan: "That's correct, Senator Deccio."

Senator Deccio: "If a case is taken to small claims court and the--let me put this in the first person, if I sue you in small claims court and the Judge finds that I am correct and you have to pay and you don't pay, then what is the process?"

Senator Halsan: "The process would be that the judgment of the small claims court would have to be, basically, transmitted into the district court before there could be garnishment or attachment proceedings allowed."

Senator Deccio: "Okay, there would be further action that you would have to take in order to do what the Judge said had to be done?"

Senator Halsan: "Yes."

Senator Deccio: "What happens in Superior Court with the same kind of process? If I sue you for over one thousand dollars and take you to Superior Court and you don't pay, then what's the process?"

Senator Halsan: "Same thing happens, but you have a seventy dollar filing fee and you wait a lot longer to go to trial. By the way, Senator Talmadge did mention if you want a lien on someone's real property, you have to do that through Superior Court because it affects real property."

The President declared the question before the Senate to be adoption of the amendment by Senator Halsan.

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

## MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 5943 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5943.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5943 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

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

Excused: Senators Lee, McCaslin, Owen, Sellar, Warnke - 5.

ENGROSSED SENATE BILL NO. 5943, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Zimmerman, Senator McDonald was excused.

## SECOND READING

SENATE BILL NO. 6023, by Senators Hansen, Barr, Fleming and Newhouse

Authorizing port districts to mortgage industrial development facilities, including agricultural facilities.

## MOTIONS

On motion of Senator Hansen, Substitute Senate Bill No. 6023 was substituted for Senate Bill No. 6023 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hansen, the rules were suspended, Substitute Senate Bill No. 6023 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 6023.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 6023 and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; excused, 6.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McDermott, Metcalf, Moore, Nelson, Newhouse, Patterson, Peterson, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, West, Williams, Wojahn, Zimmerman - 42.

Voting nay: Senator Pullen - 1.

Excused: Senators Lee, McCaslin, McDonald, Owen, Sellar, Warnke - 6.

SUBSTITUTE SENATE BILL NO. 6023, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6036, by Senators Williams, Garrett and Owen

Authorizing a new hydroelectric development study.

## MOTIONS

On motion of Senator Williams, Substitute Senate Bill No. 6036 was substituted for Senate Bill No. 6036 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Williams, the rules were suspended, Substitute Senate Bill No. 6036 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 6036.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 6036 and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McDermott, Metcalfe, Moore, Nelson, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, West, Williams, Wjahn, Zimmerman - 43.

Excused: Senators Lee, McCaslin, McDonald, Owen, Sellar, Warnke - 6.

SUBSTITUTE SENATE BILL NO. 6036, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE JOINT RESOLUTION NO. 8212, by Senators Gaspard, Patterson, Rinehart and Saling

Authorizing the investment of public land permanent funds.

The resolution was read the second time.

#### MOTIONS

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

On page 1, line 9, strike "VII" and insert "VIII"

On motion of Senator Gaspard, the rules were suspended, Engrossed Senate Joint Resolution No. 8212 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### MOTION

On motion of Senator Vognild, further consideration of Engrossed Senate Joint Resolution No. 8212 was deferred.

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

#### MESSAGE FROM THE HOUSE

March 10, 1987

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 12,

HOUSE BILL NO. 86,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 88,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 95,

ENGROSSED HOUSE BILL NO. 161,

HOUSE BILL NO. 173,

SUBSTITUTE HOUSE BILL NO. 177,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 217,

SUBSTITUTE HOUSE BILL NO. 413,

SECOND SUBSTITUTE HOUSE BILL NO. 426,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 454,

ENGROSSED HOUSE BILL NO. 520,

SUBSTITUTE HOUSE BILL NO. 537,

SUBSTITUTE HOUSE BILL NO. 542,

ENGROSSED HOUSE BILL NO. 668,

ENGROSSED HOUSE BILL NO. 713,

SUBSTITUTE HOUSE BILL NO. 734,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 743,

HOUSE BILL NO. 748,  
ENGROSSED HOUSE BILL NO. 772,  
HOUSE BILL NO. 1109, and

The House has also passed:  
SUBSTITUTE SENATE BILL NO. 5022, and the same are herewith transmitted.  
ALAN THOMPSON, Chief Clerk

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

#### INTRODUCTION AND FIRST READING

SB 6067 by Senators Bottiger, Nelson, Vognild and Johnson

AN ACT Relating to open water dredge disposal; and adding a new chapter to Title 90 RCW.

Referred to Committee on Parks and Ecology.

SCR 8411 by Senators Hayner, Bailey, Kiskaddon, Barr, Saling, Lee, Nelson, Zimmerman, von Reichbauer, Deccio, Metcalf, Patterson, McCaslin, Anderson, Soller, Johnson and Craswell

Establishing a Commission on Management and Efficiency.

Referred to Committee on Governmental Operations.

SCR 8412 by Senators Talmadge, Newhouse, McDermott and Bottiger

Establishing a joint select investigative committee on the state convention and trade center.

Referred to Committee on Ways and Means.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 12 by Committee on Ways and Means/Appropriations (originally sponsored by Representatives Rust, Walker, Valle, May, Nutley, Allen, Unsoeld, Brekke, Lux, Pruitt, Jacobsen, Belcher and P. King)

Authorizing grants for mediation of disputes involving natural resources.

Referred to Committee on Parks and Ecology.

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

Requiring notice about sewer or water improvements to be sent to certain additional property owners.

Referred to Committee on Governmental Operations.

ESHB 88 by Committee on State Government (originally sponsored by Representatives Belcher, H. Sommers, Valle, Vekich, Cantwell, Dellwo, Hankins, Meyers, Holm, Unsoeld, Wang, Niemi, P. King, Fisch and Winsley) (by request of Department of General Administration)

Revising provisions governing personal service contracts.

Referred to Committee on Governmental Operations.

ESHB 95 by Committee on Commerce and Labor (originally sponsored by Representatives Wang, Patrick, Sayan, Winsley, Allen, R. King, Baugher, Sutherland, Gallagher, Fisch, Cole, Fisher, Rayburn and Unsoeld)

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

Referred to Committee on Commerce and Labor.

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

Requiring motorcycle helmets.

Referred to Committee on Transportation.

HB 173 by Representatives Sayan, Baugher, Gallagher, Fisher, Fisch, Lux, Patrick, Heavey, Todd and Dellwo

Revising provisions relating to apprenticeship programs.

Referred to Committee on Commerce and Labor.

SHB 177 by Committee on Commerce and Labor (originally sponsored by Representatives Patrick, Crane, C. Smith, J. Williams, May, Brough, Lewis, Chandler, Nealey, Schmidt, Ferguson, Cole, Bumgarner, Silver and Schoon)

Increasing the membership of the horse racing commission and providing for ex officio legislative members.

Referred to Committee on Commerce and Labor.

ESHB 217 by Committee on Judiciary (originally sponsored by Representatives Armstrong, Patrick, Hine, Lewis, Locke, Scott, P. King, Wang, Ferguson, Niemi, Ballard and Crane)

Revising various provisions affecting superior courts.

Referred to Committee on Judiciary.

EHB 235 by Representatives Fisch, Jacobsen, Dellwo, Hargrove, Haugen, Niemi, Fisher, Ebersole, Basich, Belcher, Cole, Jesernig, Lewis, Walker, R. King, Braddock, Lux, P. King, Bumgarner, Unsoeld and Miller

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

Referred to Committee on Human Services and Corrections.

SHB 413 by Committee on Judiciary (originally sponsored by Representatives Crane, Armstrong and P. King)

Providing additional grounds for the modification of child support.

Referred to Committee on Judiciary.

2SHB 426 by Committee on Ways and Means/Appropriations (originally sponsored by Representatives Sutherland, Peery, Cole, Unsoeld and Todd) (by request of Governor Gardner)

Establishing Columbia River Gorge interstate compact.

Referred to Committee on Natural Resources.

EHB 432 by Representatives Chandler, Lux, Ballard, McMullen, Winsley and Zellinsky

Regulating fraternal benefit societies.

Referred to Committee on Financial Institutions.

ESHB 454 by Committee on State Government (originally sponsored by Representatives Cooper, H. Sommers, B. Williams and Unsoeld) (by request of Governor Gardner)

Revising various boards and commissions.

Referred to Committee on Governmental Operations.

HB 516 by Representatives Rust, Allen, Unsoeld, May and Todd (by request of Puget Sound Water Quality Authority)

Revising penalties for violation of water pollution statutes.

Referred to Committee on Parks and Ecology.

EHB 520 by Representatives Wang, Armstrong, Schmidt and P. King (by request of Secretary of State)

Revising provisions regulating nonprofit corporations.

Referred to Committee on Judiciary.

SHB 523 by Committee on Environmental Affairs (originally sponsored by Representatives Hine and Allen)

Providing for the financing of pollution control facilities.

Referred to Committee on Parks and Ecology.

SHB 537 by Committee on Transportation (originally sponsored by Representatives Schmidt, Zellinsky, Brough, Sayan, Schoon, Meyers, May, P. King and Pruitt)

Creating a single ferry advisory committee.

Referred to Committee on Transportation.

SHB 542 by Committee on Natural Resources (originally sponsored by Representatives Patrick, Holland, S. Wilson, Sutherland, May and Jacobsen)

Prohibiting placement of traps on private property without permission.

Referred to Committee on Natural Resources.

SHB 567 by Committee on Human Services (originally sponsored by Representatives Nutley, McMullen, Allen, Wang, Cantwell, Scott, Brough, Winsley, Unsoeld, Leonard, Padden, Cooper, Lewis, R. King, Holm, L. Smith, Betzoff, May, Sprengle, Todd, Spanel and Miller)

Providing funding sources for county domestic violence prevention programs.

Referred to Committee on Human Services and Corrections.

HB 643 by Representatives Beck and Haugen

Designating use of special assessments before bonds are issued by local improvement districts.

Referred to Committee on Governmental Operations.

HB 662 by Representatives Vekich, McMullen, Grant, P. King, Hargrove, Madsen, Haugen, Zellinsky, Baugher, Bristow, Bumgarner, Fuhrman, Holland, Chandler, Nealey, L. Smith, Ferguson, Betzoff, Moyer, Amondson, D. Sommers, McLean, Cooper, Rasmussen, Kremen, Fisch, Meyers, Todd, Jesernig, K. Wilson, S. Wilson, Sanders, Sutherland, Doty, May, Brough, Cantwell, Padden, Winsley and Holm

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

Referred to Committee on Judiciary.

EHB 668 by Representatives Braddock, Brooks and Holm

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

Referred to Committee on Human Services and Corrections.

SHB 677 by Committee on Commerce and Labor (originally sponsored by Representatives Patrick, Wang and R. King) (by request of Department of Labor and Industries)

Changing requirements relating to industrial insurance administration.

Referred to Committee on Commerce and Labor.

HB 707 by Representatives Sayan, Vekich, Ballard, Grimm, Locke, Meyers, Basich, Hargrove, Heavey, Jacobsen, Fisch, O'Brien, P. King,

Baughner, Rasmussen, Unsoeld and Todd (by request of Employment Security Department)

Increasing the goals and duties of the Washington conservation corps.

Referred to Committee on Parks and Ecology.

EHB 713 by Representatives Winsley, Lux, Zellinsky and Chandler

Revising provisions on debt-related securities.

Referred to Committee on Financial Institutions.

SHB 734 by Committee on Judiciary (originally sponsored by Representatives Scott, Patrick, P. King, Schmidt, R. King, Brough, Crane, Kremen, Moyer, Doty, May, Padden, L. Smith and Todd)

Revising provisions regulating minor access to erotic materials.

Referred to Committee on Judiciary.

ESHB 743 by Committee on Trade and Economic Development (originally sponsored by Representatives Cantwell, Vekich, Schoon, R. King, Scott, Holm and Sutherland) (by request of Department of Trade and Economic Development)

Revising community economic revitalization board statutes.

Referred to Committee on Commerce and Labor.

HB 748 by Representatives Baughner, Day, D. Sommers, Doty, Dellwo, Hankins, Cooper and Betrozoff (by request of Urban Arterial Board)

Changing apportionment provisions for funds in the urban arterial trust account.

Referred to Committee on Transportation.

EHB 772 by Representatives Madsen and Fisch

Revising property tax provisions.

Referred to Committee on Ways and Means.

SHB 783 by Committee on Agriculture and Rural Development (originally sponsored by Representatives Rasmussen, L. Smith, Rayburn, Baughner, Todd, McLean, Kremen, Doty, Holm, Peery, Jesernig and P. King)

Allowing the Marketing Association of a cooperative to enter into discussions pertaining to milk agreements.

Referred to Committee on Agriculture.

HB 843 by Representatives Armstrong and Nelson

Changing provisions relating to the collection of charges for the radiation perpetual maintenance fund.

Referred to Committee on Energy and Utilities.

HB 916 by Representative Appelwick

Providing an excise tax on refuse collection businesses.

Referred to Committee on Ways and Means.

SHB 920 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Zellinsky, Lux, S. Wilson and Taylor)

Providing specific insurance rate-making criteria for passenger cars with safety and anti-theft devices.

Referred to Committee on Financial Institutions.

HB 1109 by Representatives O'Brien and May

Establishing requirements for certified real estate appraisals.

Referred to Committee on Commerce and Labor.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5022.

MOTION

At 7:08 p.m., on motion of Senator Vognild, the Senate adjourned until 9:00 a.m., Thursday, March 12, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## SIXTIETH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Thursday, March 12, 1987

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Lee, McDermott, Peterson, Rasmussen, and Smitherman. On motion of Senator Bender, Senators McDermott, Peterson and Rasmussen were excused. On motion of Senator Zimmerman, Senator Lee was excused.

The Sergeant at Arms Color Guard, consisting of Senior Scout Jackie Carter and Cadette Scout Robin Zuiderveld representing the Girl Scouts, presented the Colors. Reverend Ronald R. Long, senior pastor of the Church of Living Water of Olympia, offered the prayer.

### MOTION

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

### INTRODUCTION OF SPECIAL GUESTS

The President introduced Junior Scout Mardy Morissette, Brownie Scout Macy La Violette and Daisy Scout Kimberly Taylor who were seated on the rostrum. The Girl Scouts were present in honor of the seventy-fifth anniversary of the Girl Scouts of America.

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

### SECOND READING

SENATE BILL NO. 5747, by Senators Williams, Kreidler and Bluechel

Providing for a nonprofit historic preservation corporation.

The bill was read the second time.

### MOTION

On motion of Senator Williams, the rules were suspended, Senate Bill No. 5747 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5747.

### MOTION

On motion of Senator Zimmerman, Senator Hayner was excused.

### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5747 and the bill passed the Senate by the following vote: Yeas, 43; absent, 1; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rinehart, Saling, Sellar, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 43.

Absent: Senator Smitherman - 1.

Excused: Senators Hayner, Lee, McDermott, Peterson, Rasmussen - 5.

SENATE BILL NO. 5747, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Bender, Senator Smitherman was excused.

## SECOND READING

SENATE BILL NO. 5770, by Senators Talmadge, Newhouse and McCaslin  
Changing provisions relating to superior and district courts.

## MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 5770 was substituted for Senate Bill No. 5770 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 5770 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5770.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5770 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

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

Excused: Senators Lee, McDermott, Peterson, Rasmussen, Smitherman - 5.

SUBSTITUTE SENATE BILL NO. 5770, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

There being no objection, the Senate resumed consideration of Engrossed Senate Joint Resolution No. 8212, deferred on third reading and final passage March 11, 1987.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Joint Resolution No. 8212 and the resolution passed the Senate by the following vote: Yeas, 45; nays, 2; excused, 2.

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

Voting nay: Senators Metcalf, Pullen - 2.

Excused: Senators Peterson, Rasmussen - 2.

ENGROSSED SENATE JOINT RESOLUTION NO. 8212, having received the constitutional two-thirds majority, was declared passed.

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

## MOTION

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

## SENATE RESOLUTION 1987-8623

by Senators Garrett and Vogtild

WHEREAS, It has become a tradition for the thirty-six piece Vancouver, British Columbia police pipe band to perform on Saint Patrick's Day at the Sheraton Inn in Renton; and

WHEREAS, The band is dressed in full Scottish regalia with the hotel packed for the occasion, with people filling lobbies, hallways, restaurants and lounges; and

WHEREAS, These gifted and inspirational friends from Canada have performed from Hong Kong to Vienna, before the Queen of England, Emperor Hirohito of Japan, and before cheering audiences from Edinburgh, Scotland, to Sydney, Australia; and

WHEREAS, These fine and outstanding police officers sacrifice their time by driving down from Vancouver, British Columbia to perform for the evening; and

WHEREAS, These Canadian ambassadors bring considerable credit and attention to the city of Renton and honor our state by performing in this goodwill fashion;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, that we welcome and extend our gratitude to the Vancouver police pipe band and wish them the best of times at their annual celebration of Saint Patrick's Day in Renton; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to the mayor of Vancouver, British Columbia and Ian Millman, pipe sergeant and band secretary of the Vancouver police pipe band.

Senators Garrett and Vognild spoke to the resolution.

#### MOTION

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

#### SENATE RESOLUTION 1987-8628

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

WHEREAS, The Girl Scouts of the United States of America will observe the seventy-fifth anniversary of its founding on Thursday, March 12, 1987; and

WHEREAS, Since 1912, the Girl Scout movement has opened new worlds of thought and action to more than forty-six million members; and

WHEREAS, The organization has reaffirmed its commitment to work for world understanding and friendship among all the peoples of the world; and

WHEREAS, Girl scouting prepares today's girls to be tomorrow's women; and

WHEREAS, Girl Scout Week will be celebrated by the Girl Scouts of our state from March 8 through March 14, 1987; and

WHEREAS, Members of this body have participated in girl scouting and have benefited from its training and philosophy;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, That the members recognize the valuable service the Girl Scouts of the United States of America perform for the youth of our state and our country; and

BE IT FURTHER RESOLVED, That the Senate applaud all of our state Girl Scout Councils for a job well done; and

BE IT FURTHER RESOLVED, That the members of the Senate do all they can in their home districts to promote the programs and ideals of the Girl Scouts of the United States of America; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate send copies of this Resolution to the national office of the Girl Scouts of the United States of America in New York, New York; the regional offices of the Girl Scouts; and to the five Girl Scout Councils serving the state of Washington.

Senators Vognild and Lee spoke to the resolution.

#### MOTION

At 9:38 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 11:24 a.m. by President Cherberg.

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

## SECOND READING

SENATE BILL NO. 5402, by Senators DeJarnatt, Warnke, Sellar, Patterson, Conner and Rasmussen

Revising provisions on the restoration of withdrawn contributions by elected officials under PERS.

The bill was read the second time.

## MOTION

On motion of Senator McDermott, the rules were suspended, Senate Bill No. 5402 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5402.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5402 and the bill passed the Senate by the following vote: Yeas, 49.

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

SENATE BILL NO. 5402, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Vognild, the Senate commenced consideration of Senate Bill No. 5307.

## SECOND READING

SENATE BILL NO. 5307, by Senator McCaslin

Prohibiting counties from forcing property owners to sign local improvement petitions.

The bill was read the second time.

## MOTIONS

On motion of Senator Halsan, the following Committee on Governmental Operations amendments were considered simultaneously and adopted:

On page 1, line 6, strike "(1)"

On page 1, line 9, strike "(a)" and insert "(1)"

On page 1, line 11, strike "(b)" and insert "(2)"

On page 1, beginning on line 13, strike all material down to and including line 16

On page 1, after line 16, insert the following:

"NEW SECTION, Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Senator McCaslin moved that the following amendment by Senators McCaslin and Rasmussen be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. A new section is added to chapter 36.94 to read as follows:

(1) Except as provided in subsection (2) of this section, a county or county health district shall not require a property owner, as a condition to the granting of any permit, to agree, by covenant or otherwise, to:

(a) Join in any petition for the formation of a local improvement district or utility local improvement district; or

(b) Decline to protest the formation of a local improvement district or utility local improvement district.

(2) This section shall not apply to permits issued for the construction of new structures, systems, facilities, or other installations.

**NEW SECTION.** Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Debate ensued.

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

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

#### MOTIONS

On motion of Senator Rasmussen, the following amendment by Senators Rasmussen, McCaslin, Johnson and Smitherman was adopted:

On page 1, after line 16, insert the following:

"Sec. 2. Section 24, chapter 72, Laws of 1967 as last amended by section 5, chapter 313, Laws of 1981 and RCW 36.94.240 are each amended to read as follows:

Whether the improvement is initiated by petition or resolution, the county legislative authority shall conduct a public hearing at the time and place designated in the notice to the property owners. At this hearing the authority shall hear objections from any person affected by the formation of the local district and may make such changes in the boundaries of the district or such modifications in plans for the proposed improvement as are deemed necessary: PROVIDED, That the authority may not change the boundaries of the district to include property not previously included therein without first passing a new resolution of intention and giving a new notice to property owners in the manner and form and within the time herein provided for the original notice.

After said hearing the county legislative authority has jurisdiction to overrule protests (~~and proceed with any such improvement initiated by petition or resolution~~): PROVIDED, That the jurisdiction of the authority to proceed with any improvement initiated by resolution shall be divested by protests filed with the clerk of the authority prior to said public hearing signed by the owners, according to the records of the county auditor, of at least forty percent of the area of land within the proposed local district. No action whatsoever may be maintained challenging the jurisdiction or authority of the county to proceed with the improvement and creating the local district or in any way challenging the validity thereof or any proceedings relating thereto unless that action is served and filed no later than thirty days after the date of passage of the resolution ordering the improvement and creating the local district.

If the county legislative authority finds that the district should be formed, it shall submit the proposition to a vote of the people residing within the proposed district. If a majority of the people residing within the proposed district approve the formation of the district, the county legislative authority may by resolution order the improvement, adopt detailed plans of the local district and declare the estimated cost thereof, acquire all necessary land therefor, pay all damages caused thereby, and commence in the name of the county such eminent domain proceedings and supplemental assessment or reassessment proceedings to pay all eminent domain awards as may be necessary to entitle the county to proceed with the work. The county legislative authority shall proceed with the work and file with the county treasurer its roll levying special assessments in the amount to be paid by special assessment against the property situated within the local district in proportion to the special benefits to be derived by the property therein from the improvement.

Sec. 3. Section 27, chapter 72, Laws of 1967 as amended by section 6, chapter 313, Laws of 1981 and RCW 36.94.270 are each amended to read as follows:

If any portion of the system after its installation in such local district is not adequate for the purpose for which it was intended, or that for any reason changes, alterations, or betterments are necessary in any portion of the system after its installation, then such district, with boundaries which may include one or more existing local districts, may be created in the same manner as is provided herein for the creation of local districts, including voter approval requirements. Upon the organization of such local district as provided for in this section the plan of the improvement and the payment of the cost of the improvement shall be carried out in the same manner as is provided herein for the carrying out of and the paying for the improvement in the utility local improvement districts or local improvement districts previously provided for in this chapter."

On motion of Senator Rasmussen, the following title amendments were considered simultaneously and adopted:

On page 1, line 1 of the title, after "districts;" insert "amending RCW 36.94.240 and 36.94.270:"

On page 1, line 2 of the title, after "RCW" and before the period, insert "; and declaring an emergency"

## MOTION

On motion of Senator Halsan, the rules were suspended, Engrossed Senate Bill No. 5307 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Smitherman: "Thank you, Mr. President and members of the Senate. In signing on Senator Rasmussen's amendment and agreeing to support the amendment, there might have been something that I overlooked. Usually, when you are dealing with the LID, the actual percentage of property ownership by any individual in the area is taken into consideration in terms of the formation of that district. What happens is really by property ownership more than it is by the number of individuals who live in an area, for example. The percentage of property ownership does count. I guess what I am wondering and I will ask Senator Rasmussen. Senator Rasmussen, under this provision, would that mean that a guy who owned a very small parcel could have the same vote value as a person who owned acres in that area? Perhaps the guy who owns acres wants something done and the guy who owns a very small parcel wants nothing done and on the basis of our amendment, would that mean that they would be declared equal in vote value?"

Senator Rasmussen: "Yes, they would be. One man, one vote--the rule we follow all throughout the United States. They would have the right of a vote. What frequently happens, Senator Smitherman, is somebody will come in and not own just one acre, he'll own fifty or one hundred acres and he says, 'Yes, I'll put in that improvement,' but every other little homeowner around there, he can't afford that. The developer won't pay that little homeowner's share. He doesn't care whether they lose their home or not. That's what the purpose is, to give some protection."

Senator Smitherman: "Mr. President, if I might continue. In dealing with the LIDs, I think it was purposefully set up on the basis of property ownership, because in terms of assessments that are made, they are made by the amount of property that you have and I'm not certain that, again in joining with Senator Rasmussen, that I did the correct thing. As Senator Bottiger and others have asked you to do, please consider very carefully what you are doing here. It is the unravelling of a very major system."

## MOTION

On motion of Senator Vognild, and there being no objection, further consideration of Engrossed Senate Bill No. 5307 was deferred.

## SECOND READING

SENATE BILL NO. 5025, by Senators Talmadge, Moore, Fleming, Halsan, Vognild and Kreidler

Revising provisions relating to confirmation of gubernatorial appointments.

## MOTIONS

On motion of Senator Halsan, Substitute Senate Bill No. 5025 was substituted for Senate Bill No. 5025 and the substitute bill was placed on second reading and read the second time.

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

On page 2, beginning on line 7, after "(c)" strike all material down to and including "confirmed" on line 9 and insert "If the senate fails to act on the appointment within the time periods specified in (a) or (b) of this subsection, the appointee shall be deemed confirmed. An appointee who is rejected by the senate shall not"

On motion of Senator Halsan, the rules were suspended, Engrossed Substitute Senate Bill No. 5025 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Metcalf: "Senator Talmadge, your amendment came sort of fast and you were saying that that was the intent of the committee, but it's entirely different

than what the bill says. Don't we have a constitutional requirement to have Senate confirmation in some cases?"

Senator Talmadge: "I think we do in some rare instances, Senator. That may be true."

Senator Metcalf: "Well then, can you have a constitutional requirement for confirmation and then just not act and be deemed confirmed? Would that meet the constitutional requirement of ayes and nays?"

Senator Talmadge: "Senator, I think my sense is that we can deal with the issue of advise and consent in whatever way we deem appropriate as a Senate body. You will note that we have, in times past, under the Clarke rule, permitted the confirmation of a whole series of gubernatorial appointments in a single vote."

Further debate ensued.

#### MOTION

On motion of Senator Bottiger, and there being no objection, further consideration of Engrossed Substitute Senate Bill No. 5025 was deferred.

#### MOTION

At 11:57 a.m., on motion of Senator Vognild, the Senate recessed until 2:00 p.m.

#### AFTERNOON SESSION

The Senate was called to order at 2:24 p.m. by President Cherberg.

#### SECOND READING

SENATE BILL NO. 5761, by Senators Warnke, Vognild, Newhouse, Moore, Bender and Cantu

Deleting certain rules governing electrical installations.

#### MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 5761 was substituted for Senate Bill No. 5761 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Warnke, the rules were suspended, Substitute Senate Bill No. 5761 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5761.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5761 and the bill passed the Senate by the following vote: Yeas, 47; absent, 2.

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

Absent: Senators Owen, Peterson - 2.

SUBSTITUTE SENATE BILL NO. 5761, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5763, by Senators Stratton, McDonald, DeJarnatt, Owen and Barr

Authorizing the department of fisheries to sell surplus salmon eggs.

#### MOTIONS

On motion of Senator DeJarnatt, Substitute Senate Bill No. 5763 was substituted for Senate Bill No. 5763 and the substitute bill was placed on second reading and read the second time.

On motion of Senator DeJarnatt, the rules were suspended, Substitute Senate Bill No. 5763 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5763.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5763 and the bill passed the Senate by the following vote: Yeas, 47; absent, 2.

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

Absent: Senators Bauer, Peterson - 2.

SUBSTITUTE SENATE BILL NO. 5763, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE JOINT RESOLUTION NO. 8210, by Senators Fleming, Warnke, Zimmerman, Vognild, Lee, Saling, McDermott, Stratton, Owen, Rinehart, Nelson, Talmadge, Kiskaddon and Bauer

Amending constitution to allow current use property valuation for tax purposes on low-income housing.

The resolution was read the second time.

#### MOTION

On motion of Senator Fleming, and there being no objection, further consideration of Senate Joint Resolution No. 8210 was deferred.

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

There being no objection, the Senate resumed consideration of Engrossed Senate Bill No. 5307, deferred on third reading and final passage earlier today.

#### MOTION

On motion of Senator Rasmussen, and there being no objection, further consideration of Engrossed Senate Bill No. 5307 was deferred.

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

#### SECOND READING

SENATE BILL NO. 5052, by Senators Rasmussen and Wojahn

Requiring protective measures for child passengers on motorcycles.

The bill was read the second time.

#### MOTION

On motion of Senator Hansen, the rules were suspended, Senate Bill No. 5052 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5052.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5052 and the bill passed the Senate by the following vote: Yeas, 41; nays, 6; absent, 2.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 41.

Voting nay: Senators Barr, Craswell, Halsan, McCaslin, Metcalf, Pullen - 6.

Absent: Senators Benitz, Sellar - 2.

SENATE BILL NO. 5052, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Joint Resolution No. 8210, deferred on second reading earlier today.

#### MOTION

Senator McCaslin moved that the following amendments by Senators McCaslin and Rasmussen be considered simultaneously and adopted:

On page 1, line 15, after "standards" delete the comma and insert "and"

On page 1, line 15, after "to" strike "low-income"

On page 1, line 15, after "housing" strike the balance of the unlined language through and including "units," on line 16

Debate ensued.

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

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senators McCaslin and Rasmussen.

#### ROLL CALL

The Secretary called the roll and the motion by Senator McCaslin failed and the amendments were not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Cantu, Craswell, Deccio, Garrett, Hayner, Johnson, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, West - 24.

Voting nay: Senators Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Kiskaddon, Kreidler, McDermott, Moore, Peterson, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn, Zimmerman - 25.

#### MOTION

Senator Pullen moved that the following amendment by Senators Pullen, Benitz, Rasmussen, Hayner, Nelson, Craswell and Deccio be adopted:

On page 1, line 19, after "property" insert ": PROVIDED, That if any current use assessments in any county are applied to housing pursuant to (c) of this section, then all housing within that county meeting the eligibility requirements of (c) shall also be assessed at current use"

Debate ensued.

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Pullen, Benitz, Rasmussen, Hayner, Nelson, Craswell and Deccio.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted, the President voting 'nay', by the following vote: Yeas, 24; nays, 24; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Cantu, Craswell, Deccio, Garrett, Hayner, Johnson, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, West - 24.

Voting nay: Senators Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Kiskaddon, Kreidler, McDermott, Peterson, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn, Zimmerman - 24.

Absent: Senator Moore - 1.

#### MOTIONS

On motion of Senator Fleming, the rules were suspended, Senate Joint Resolution No. 8210 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

On motion of Senator Fleming, and there being no objection, further consideration of Senate Joint Resolution No. 8210 was deferred.

#### SECOND READING

SENATE BILL NO. 5064, by Senators Saling and Kreidler

Certifying radiological technologists.

#### MOTIONS

On motion of Senator Wojahn, Substitute Senate Bill No. 5064 was substituted for Senate Bill No. 5064 and the substitute bill was placed on second reading and read the second time.

Senator Kiskaddon moved that the following amendment be adopted:

On page 6, line 11, after "under" strike "~~((chapter 18.32))~~" and insert "chapters 18.22 RCW and 18.32 RCW"

#### POINT OF ORDER

Senator Bottiger: "Mr. President, I raise the point of order that the amendment expands the scope and object of the bill."

#### MOTION

On motion of Senator Vogtild, further consideration of Substitute Senate Bill No. 5064 was deferred.

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

There being no objection, the Senate resumed consideration of Engrossed Senate Bill No. 5307, deferred on third reading and final passage earlier today.

#### MOTION

On motion of Senator Smitherman, the rules were suspended, Engrossed Senate Bill No. 5307 was returned to second reading and read the second time.

#### MOTION FOR RECONSIDERATION

Senator Rasmussen moved that the Senate reconsider the vote by which the amendment by Senators Rasmussen, McCaslin, Johnson and Smitherman on page 1, line 16, was adopted earlier today.

The President declared the question before the Senate to be the motion by Senator Rasmussen to reconsider the vote by which the amendment by Senators Rasmussen, McCaslin, Johnson and Smitherman on page 1, line 16, to Senate Bill No. 5307 was adopted earlier today.

The motion by Senator Rasmussen carried and the Senate commenced reconsideration of the amendment on page 1, line 16.

#### MOTION

On motion of Senator Smitherman, the following amendments by Senators Smitherman, Rasmussen and McCaslin to the amendment by Senators Rasmussen, McCaslin, Johnson and Smitherman were considered simultaneously and adopted:

On page 2, line 30 of the amendment by Senator Rasmussen et. al., which begins on line 16, after "the" strike "people residing" and insert "owners of land"

On page 2, line 32, of the amendment by Senator Rasmussen et. al., which begins on line 16, after "district" strike everything down to and including "district" on line 34 and insert "if the owners of at least fifty-one percent of the area of land within the limits of the district to be created"

The President declared the question before the Senate to be adoption of the amendment by Senators Rasmussen, McCaslin, Johnson and Smitherman, as amended.

The amendment, as amended, was adopted.

#### MOTION

On motion of Senator Halsan, the rules were suspended, Reengrossed Senate Bill No. 5307 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Reengrossed Senate Bill No. 5307.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on final passage of Reengrossed Senate Bill No. 5307 and the bill passed the Senate by the following vote: Yeas, 37; nays, 12.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, Deccio, Halsan, Hansen, Hayner, Johnson, Kreidler, Loe, McCaslin, McDermott, Metcalf, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Tanner, Vogndld, von Reichbauer, Warnke, West, Williams - 37.

Voting nay: Senators Bluechel, Bottiger, DeJarnatt, Fleming, Garrett, Gaspard, Kiskaddon, McDonald, Moore, Talmadge, Wojahn, Zimmerman - 12.

REENGROSSED SENATE BILL NO. 5307, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

#### SECOND READING

SENATE BILL NO. 5495, by Senators Stratton, McDonald, DeJarnatt, Patterson, West, Saling and Barr

Revising provisions relating to taking food fish for personal use.

#### MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 5495 was substituted for Senate Bill No. 5495 and the substitute bill was placed on second reading and read the second time.

Senator Metcalf moved that the following amendment by Senators Metcalf, Rasmussen and Benitz be adopted:

On page 1, after line 19, insert the following:

"(4) No license fees shall be required or collected under this section from any person unless the Department of Fisheries and tribal Indians agree to a procedure which results in the same license fees being collected from Indian citizens."

Debate ensued.

#### POINT OF INQUIRY

Senator Hansen: "Senator Owen, you know I only get over here once in a while to go fishing in our Puget Sound waters, but I come over here to fish for salmon. Low and behold, I generally end up with more bottom fish than I do salmon. Am I going to have to turn those fish loose or are you expecting everyone that buys a salmon license to also buy a bottom fish license at the same time?"

Senator Owen: "Senator, in order to get the salmon punch card, you'd have to have the personal use license. If this bill passes, the personal use license will allow you to fish for the bottom fish, so if, in fact, you came over here to fish for salmon, you'd have to have a punch card, which you have to have presently, but you also, with this bill, would have to have a personal use license which allows you to fish for all of them, including the bottom fish."

Senator Hansen: "A recommendation--wouldn't it be better to just raise your salmon license fee three dollars or five dollars or whatever it's going to be, so that it would all be in one bunch?"

Senator Owen: "Senator Hansen, we are dealing with the amendment right now and not final passage of the bill, but I will respond to that anyway. The committee had followed the trend in the bottom fishery. We documented some historic trends on that and it looked like, potentially--potentially--a threat to the resource, because there is a decline in the amount of fish that are being landed when there has been a tremendous increase in pressure on the resource. It was felt that in order to respond to that, we needed the revenue to do that and the personal use license would do that and you tie it to the marine fish, not just salmon, so you include marine fish, bottom fish and salmon."

Further debate ensued.

## MOTION TO LIMIT DEBATE

Senator Bottiger moved that the members of the Senate be allowed to speak only once and be limited to three minutes on each motion or amendment, except that the mover of the motion shall be allowed to open and close debate and that members be prohibited from yielding their time, and also that this motion shall remain in effect through March 20, 1987.

## POINT OF ORDER

Senator Rasmussen: "Mr. President, a point of order. I thought we were considering the bill and Senator Bottiger is proposing a change in the rules and I think that would be out of order at this time."

## REPLY BY THE PRESIDENT

President Cherberg: "The President will present the motion after the bill has been voted on."

Further debate on the amendment by Senators Metcalf, Rasmussen and Benitz on page 1, line 19, ensued.

## POINT OF INQUIRY

Senator Metcalf: "Senator Owen, perhaps I'm wrong, but as I read this, this would be a New Section (4) on line 19, under Section 1, which deals only with the annual personal use license. Presently in law, we have the salmon punch card; we have the licenses. If Section 1 were rendered ineffective, how could that possibly affect Section 2 of the bill, which is there--Section 3 which has all of the other things for salmon in it? That's already in the bill."

Senator Owen: "The reason is, Senator, because if you don't create a New Section--it doesn't matter anyway--you create subsection (4) and you reference all of Section 1. All of Section 1 references--if you read subsection (3), 'It is unlawful to fish for or possess food fish without the licenses, punchcards and stamps required by this chapter.' That's part of Section 1, subsection (2) says, 'A two-consecutive-day combined personal use license and punchcard shall be issued,' etc. subsection (1) of Section 1 says, 'An annual personal use license is required for a person sixteen years of age or older to fish for, take,' etc. That's why."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Metcalf, Rasmussen and Benitz.

The motion by Senator Metcalf failed and the amendment was not adopted on a rising vote.

## MOTION

On motion of Senator Owen, the rules were suspended, Substitute Senate Bill No. 5495 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5495.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5495 and the bill passed the Senate by the following vote: Yeas, 30; nays, 19.

Voting yea: Senators Anderson, Bailey, Barr, Bluechel, Bottiger, Conner, Decchio, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, Owen, Patterson, Rinehart, Saling, Sellar, Smitherman, Stratton, Taimadge, Warnke, West, Williams, Wojahn - 30.

Voting nay: Senators Bauer, Bender, Benitz, Cantu, Craswell, Garrett, Halsan, Kiskaddon, Metcalf, Moore, Nelson, Newhouse, Peterson, Pullen, Rasmussen, Tanner, Vogtild, von Reichbauer, Zimmerman - 19.

SUBSTITUTE SENATE BILL NO. 5495, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of the motion by Senator Bottiger to limit debate to three minutes, deferred earlier today.

#### POINT OF INQUIRY

Senator Pullen: "Senator Bottiger, I think your motion is timely and appropriate. My question that I have concerns the way this has been applied in the past and I think it's kind of been applied erratically with regard to the issue of asking questions of legislative intent. May a person speak on a bill and then if he has a genuine question to try to determine legislative intent, may he then ask another Senator to yield to a question?"

Senator Bottiger: "Senator Pullen, I don't make that ruling. The Lieutenant Governor does. I would object if it was being abused and raise a point of order. If it wasn't, I'd probably sit here quietly."

The President declared the question before the Senate to be the motion by Senator Bottiger to limit debate.

The motion by Senator Bottiger carried and debate will be limited to three minutes through March 20, 1987.

President Pro Tempore Rasmussen assumed the chair.

#### SECOND READING

SENATE BILL NO. 5720, by Senators Gaspard, Patterson, Barr, Bailey, Bauer and Hansen

Revising the authority for cooperative agreements between or among school districts.

#### MOTIONS

On motion of Senator Gaspard, Substitute Senate Bill No. 5720 was substituted for Senate Bill No. 5720 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Gaspard, the following amendment by Senators Gaspard and Patterson was adopted:

On page 1, following line 15, insert a new subsection to read as follows:

"(3) Such rules, for the purposes of school district compliance with RCW 28A.58.095 during the 1986-1987 school year and any year thereafter, shall treat participating districts that adopt a single salary schedule as one district. Such salary schedule shall be adopted pursuant to local collective bargaining agreement(s). The superintendent of public instruction shall, solely for the purposes of compliance with RCW 28A.58.095: (a) Calculate a derived base salary that reflects the placement of all employees on that salary schedule of the participating school district providing the greatest salary; and, (b) use the highest average annual insurance benefit costs of the participating school districts, or the amount authorized for such purposes in the operating appropriations act in effect at the time, whichever is greater."

Renumber the remaining subsections accordingly.

On motion of Senator Gaspard, the rules were suspended, Engrossed Substitute Senate Bill No. 5720 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5720.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5720 and the bill passed the Senate by the following vote: Yeas, 49.

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5720, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President Pro Tempore advanced the Senate to the seventh order of business.

There being no objection, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 5025, deferred on third reading and final passage earlier today.

#### MOTIONS

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute Senate Bill No. 5025 was returned to second reading and read the second time.

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

On page 1, line 27, after "occur" strike "no later than fifteen days"

On page 1, line 28, after "session" insert "; unless the appointment is made in the last fifteen days of session"

On page 2, line 1, after "made" insert "in the last fifteen days of session or"

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

On page 2, line 23, after "2" insert "(b)"

On page 2, line 28, after "2" insert "(b)"

#### POINT OF INQUIRY

Senator Metcalf: "Senator Talmadge, I have not checked the Constitutional amendment carefully. How does that affect the amendment that you offered which says, 'An appointee who is not rejected, is deemed confirmed?'"

Senator Talmadge: "These two amendments, Senator Metcalf, do not affect that issue at all. In subsection (b)--(1b) of Section 2, there is a sentence that says, 'Final Senate action on an appointment shall take place no later than ninety days after the receipt of the appointment.' If we were not able to call ourselves in for a one day session, as is contemplated in that Constitutional amendment, we could not meet that ninety day requirement. That's the only portion of Section (2) that would be conditional on the passage of the Constitutional amendment and I wanted to make that clear with these two amendments. It does not affect the issue that you and I have talked about, whether or not we would deem the nominee rejected or confirmed which is something, I suspect, we may take up in a moment."

The President Pro Tempore declared the question before the Senate to be adoption of the amendments by Senator Talmadge on page 2, lines 23 and 28.

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

#### NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Metcalf moved to reconsider the vote by which the amendment by Senator Talmadge on page 2, line 7, was adopted earlier today.

Debate ensued.

#### MOTION

At 4:20 p.m., on motion of Senator Vogtild, the Senate was declared to be at ease.

The Senate was called to order at 4:44 p.m. by President Pro Tempore Rasmussen.

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

#### SECOND READING

SENATE BILL NO. 5712, by Senators Rinehart, Gaspard and Zimmerman

Specifying that the term "nonresident student" does not apply to persons with temporary resident status.

The bill was read the second time.

## MOTION

On motion of Senator Rinehart, the rules were suspended, Senate Bill No. 5712 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5712.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5712 and the bill passed the Senate by the following vote: Yeas, 49.

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

SENATE BILL NO. 5712, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5071, by Senators Kreidler, Williams and Rinehart

Changing provisions relating to dangerous wastes.

## MOTIONS

On motion of Senator Kreidler, Substitute Senate Bill No. 5071 was substituted for Senate Bill No. 5071 and the substitute bill was placed on second reading and read the second time.

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

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 101, Laws of 1975-'76 2nd ex. sess. as amended by section 1, chapter 448, Laws of 1985 and RCW 70.105.010 are each amended to read as follows:

The words and phrases defined in this section shall have the meanings indicated when used in this chapter unless the context clearly requires otherwise.

- (1) "Department" means the department of ecology.
- (2) "Director" means the director of the department of ecology or his designee.
- (3) "Disposal site" means a geographical site in or upon which hazardous wastes are disposed in accordance with the provisions of this chapter.
- (4) "Dispose or disposal" means the discarding or abandoning of hazardous wastes or the treatment, decontamination, or recycling of such wastes once they have been discarded or abandoned.
- (5) "Dangerous wastes" means any discarded, useless, unwanted, or abandoned (~~non-radioactive~~) substances, including but not limited to substances composed of both radioactive and hazardous components, certain pesticides, or any residues or containers of such substances which are disposed of in such quantity or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes:
  - (a) Have short-lived, toxic properties that may cause death, injury, or illness or have mutagenic, teratogenic, or carcinogenic properties; or
  - (b) Are corrosive, explosive, flammable, or may generate pressure through decomposition or other means.
- (6) "Extremely hazardous waste" means any dangerous waste which
  - (a) will persist in a hazardous form for several years or more at a disposal site and which in its persistent form
    - (i) presents a significant environmental hazard and may be concentrated by living organisms through a food chain or may affect the genetic make-up of man or wildlife, and
    - (ii) is highly toxic to man or wildlife
  - (b) if disposed of at a disposal site in such quantities as would present an extreme hazard to man or the environment.
- (7) "Person" means any person, firm, association, county, public or municipal or private corporation, agency, or other entity whatsoever.
- (8) "Pesticide" shall have the meaning of the term as defined in RCW 15.58.030 as now or hereafter amended.
- (9) "Solid waste advisory committee" means the same advisory committee as per RCW 70.95.040 through 70.95.070.

(10) "Designated zone facility" means any facility that requires an interim or final status permit under rules adopted under this chapter and that is not a preempted facility as defined in this section.

(11) "Facility" means all contiguous land and structures, other appurtenances, and improvements on the land used for recycling, storing, treating, incinerating, or disposing of hazardous waste.

(12) "Preempted facility" means any facility that includes as a significant part of its activities any of the following operations: (a) Landfill, (b) incineration, (c) land treatment, (d) surface impoundment to be closed as a landfill, or (e) waste pile to be closed as a landfill.

(13) "Hazardous household substances" means those substances identified by the department as hazardous household substances in the guidelines developed under RCW 70.105.220.

(14) "Hazardous substances" means any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste as described in rules adopted under this chapter.

(15) "Hazardous waste" means and includes all dangerous and extremely hazardous waste.

(16) "Local government" means a city, town, or county.

(17) "Moderate-risk waste" means (a) any waste that exhibits any of the properties of hazardous waste but is exempt from regulation under this chapter solely because the waste is generated in quantities below the threshold for regulation, and (b) any household wastes which are generated from the disposal of substances identified by the department as hazardous household substances.

NEW SECTION. Sec. 2. A new section is added to chapter 70.105 RCW to read as follows:

The department of ecology may regulate all hazardous wastes, including those composed of both radioactive and hazardous components, to the extent it is not preempted by federal law.

Sec. 3. Section 11, chapter 101, Laws of 1975-'76 2nd ex. sess. as amended by section 3, chapter 237, Laws of 1984 and RCW 70.105.110 are each amended to read as follows:

(1) ~~((With the exception of subsection (2), nothing in this chapter shall apply to any radioactive waste or radioactive material.~~

~~((2))~~ Nothing in this chapter shall alter, amend, or supersede the provisions of chapter 80.50 RCW, except that, notwithstanding any provision of chapter 80.50 RCW, regulation of dangerous wastes associated with energy facilities from generation to disposal shall be solely by the department pursuant to chapter 70.105 RCW. In the implementation of said section, the department shall consult and cooperate with the energy facility site evaluation council and, in order to reduce duplication of effort and to provide necessary coordination of monitoring and on-site inspection programs at energy facility sites, any on-site inspection by the department that may be required for the purposes of this chapter shall be performed pursuant to an interagency coordination agreement with the council.

~~((3))~~ (2) To facilitate the implementation of this chapter, the energy facility site evaluation council may require certificate holders to remove from their energy facility sites any dangerous wastes, controlled by this chapter, within ninety days of their generation.

NEW SECTION. Sec. 4. A new section is added to chapter 70.105 RCW to read as follows:

Nothing in this chapter diminishes the authority of the department of social and health services to regulate the radioactive portion of mixed wastes pursuant to chapter 70.98 RCW."

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

On page 1, line 1 of the title, after "wastes;" strike the remainder of the title and insert "amending RCW 70.105.010 and 70.105.110; and adding new sections to chapter 70.105 RCW."

On motion of Senator Kreidler, the rules were suspended, Engrossed Substitute Senate Bill No. 5071 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5071.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5071 and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

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

Nay: Senator Benitz - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5071, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5090, by Senators Halsan, Newhouse, Talmadge and Hayner  
Revising the Administrative Procedure Act.

#### MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 5090 was substituted for Senate Bill No. 5090 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 5090 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5090.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5090 and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

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

Voting nay: Senator Pullen - 1.

SUBSTITUTE SENATE BILL NO. 5090, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Talmadge, the following comments on Substitute Senate Bill No. 5090 were to be included in the journal:

#### COMMENTS TO SSB 5090

##### Introduction

This new Administrative Procedure Act (APA) replaces much of chapter 34.04 RCW and chapter 28B.19 RCW. For the reasons discussed in this introductory comment and in comments to various sections, there is a need to make positive changes in the administrative branch of state government.

State agencies administer state government. On a day-to-day basis, state agencies are the hands of state government which directly touch each citizen. The heads of government—Legislature, governor, and courts—determine the general laws and programs. But it is agency hands which administer the distribution of the actual benefits to citizens and regulate the conduct of citizens. The confidence and respect which citizens have for state government depends directly upon how citizens are treated at the hands of government.

In the last twenty-five years, the number of agencies, the tasks given to agencies, and the discretionary power delegated to agencies has greatly increased. As state government does more for its citizens, agencies have been expanded or created to implement legislative requirements. Aspects of consumer protection, environmental protection, regulation of business, safety and health standards, and unemployment compensation are among the many tasks delegated to agencies. Thus, numerous aspects of the life of each citizen have been placed in the hands of agencies.

It is an unavoidable fact of government that agencies are often given almost limitless objectives to implement on a limited budget. Agencies are faced with determining specific means and specific priorities for specific situations involving specific citizens. Agency decisions are tough decisions because reasonable people

will disagree over ends, means, and priorities. More importantly, agency decisions are tough decisions because they are not theoretical; the hand of government reaches out to give or withhold a benefit to a specific individual or group of citizens, or to directly regulate the conduct of a citizen or business.

A fundamental principle of our democratic system of government is the concept of checks and balances. The three branches of government—legislative, executive, and judicial—check and balance the exercise of government power by each other branch to assure that the people are protected. In addition, the people hold the ultimate check on government exercise of power in the ability to elect their legislators, executives, or judges.

Scholars have commented that administrative agencies do not conceptually fit very well into this system. The administrators of a single administrative agency are granted special powers to make rules (legislative), to enforce the law (executive), and to adjudicate rights and obligations of individual citizens (judicial). Furthermore, administrators are normally not elected by the people.

However, administrative agencies are necessary to modern government. Government cannot operate without agencies to flesh out and carry into effect the general policies and standards established by elected representatives. The goal, therefore, is to continue to develop a system of checks and balances to restrain and confine administrative power while maintaining the agencies' ability to perform their vitally necessary functions. In 1950 the United States Supreme Court noted:

"It must not be forgotten that the administrative process and its agencies are relative newcomers in the field of law and that it has taken and will continue to take experience and trial and error to fit this process into our system of (government)." *United States v. Morton Salt Co.*, 338 U.S. 632, 642 (1950).

The purpose of an Administrative Procedure Act is to govern the procedure by which agencies make decisions and by which agency decisions are subject to review by the branches of state government. An Administrative Procedure Act does not concern itself with the substance of those decisions. In a sense, an Administrative Procedure Act is like a constitution for the administrative processes of government. If the administrative processes of state government, as well as the legislative, executive, and judicial processes, are to be, and appear to be, democratic and fair, then citizens must, where appropriate, have access to effective participation in agency decision-making and must have some avenue of recourse to check abuses of administrative power.

The new Administrative Procedure Act is an attempt to improve administrative government. The new Administrative Procedure Act aims to achieve increased democracy, fairness, and public confidence in government by emphasizing the following characteristics in the administrative system.

Uniformity. Citizens and businesses must deal with many different agencies, and with different branches or offices of the same agency. If citizens are faced with a different set of procedures at each different agency or branch, then a citizen or his attorney will have to learn new rules for dealing with each agency or office. Learning new procedural rules for each agency or branch discourages a citizen's involvement and, if an attorney is engaged, increases a citizen's expense. The act goes far to establish a uniform set of procedures for all agencies.

Accessibility. Citizens and businesses must plan their lives around agency decisions. A benefit recipient must plan based upon whether the agency will or will not provide a benefit. A business must plan based upon whether the agency will or will not regulate business conduct. One way an agency announces its intentions is to adopt, after citizen involvement, formal rules. However, agency intentions are sometimes set forth in the form of interpretations or policy statements that do not have the status of rules and that may not be as readily accessible to the public as are rules. The act encourages agencies to publish such interpretations and policies to the public, while allowing agencies to freely change their interpretations and policies as circumstances require. When an agency announces its intentions, even if tentative, the citizens affected are better able to plan their lives. Certainty is not guaranteed, but uncertainty as to where a citizen stands with respect to his government is reduced. The citizen and business then have some idea what to expect from state government.

**Responsiveness.** Citizens and businesses are affected not only by agency action, but also by agency inaction. If a citizen or business has a legitimate claim to agency action and the agency simply does nothing and remains silent, confidence in government is not furthered. The agency likely has valid reasons for inaction, such as a limited budget that it has determined to use on higher priority matters. However, citizens should be entitled to an answer to their claims and questions, even if the answer is that no action is being taken because of lack of funds. The act requires that agencies make a simple, unelaborate response to legitimate citizen petitions.

**Flexibility.** Citizens and businesses, as well as agencies themselves, should be subjected to formal procedural requirements only to the extent called for by the circumstances of the particular situation. This is especially so in adjudicative proceedings. A matter that can be settled, should be by a conference; a matter involving no factual disputes should be decided after a brief hearing. Only a matter that needs a trial should be trial-like. A matter that starts as an adjudicative proceeding may be found to involve a community and to be more appropriately resolved by rule making. In short, proceeding should be convertible as circumstances develop, consistent with fairness.

**Participation.** Citizen participation in government decision-making is the essence of democracy. Generally, citizens participate in government when they have a voice in the debate preceding legislation and when they have recourse to the courts when they legitimately believe rights are infringed. Chapter 34.04 RCW has long provided procedural mechanisms for citizen participation in agency rule making and for recourse to the courts. The act enhances citizen participation principally through the avenues of procedural uniformity, accessibility, and responsiveness. Uniform procedures remove the burden of learning new rules for each agency and make citizen participation easier. Access to agency interpretations and policies brings focus to citizen input. Responsiveness to citizen petition makes visible agency priorities and allows citizen involvement in setting those priorities. Additionally, a citizen should in most cases be able to participate without engagement of an attorney or lobbyist.

An Administrative Law Task Force was formed in 1980 by the Board of Governors of the Washington State Bar Association, at the recommendation of its Administrative Law Section, to investigate the need for legislation dealing with the administrative process. The Task Force was composed of four attorneys and one nonattorney, aided by numerous other persons with a broad spectrum of experience with administrative processes of government. In 1981, the Task Force proposed legislation, ultimately enacted as chapter 34.12 RCW, creating an Office of Administrative Hearings. Before this legislation, administrative law judges (ALJ's) who presided at agency adjudicative hearings were employed by and under the supervision of each agency. Under chapter 34.12 RCW, the ALJ's are employed by the Office of Administrative Hearings and are independent of the agency. Such independence promotes fairness in administrative hearings that adjudicate individual rights and duties; this independence, in analogy to the judicial branch of government, provides a check and balance on agency power.

The Task Force, after a three-year process of research and public comments, determined that there was a need to adopt a new Administrative Procedure Act (APA) for the state of Washington. Previous drafts of this act were widely circulated to agencies, attorneys, and other groups. Their determination of need paralleled that of the National Conference of Commissioners on Uniform State Laws, which published a new Model State Administrative Procedure Act (1981). The current APA, chapter 34.04 RCW, was originally enacted in 1959, and has been amended several times. The current APA is based upon the former model act of the Commissioners which was finalized a quarter of a century ago in 1961. The Task Force, in proposing a new APA to the Legislature, was greatly influenced by the Model Act (1981), by the analysis of Professor Kenneth Culp Davis in his book *DISCRETIONARY JUSTICE* (La. St. Univ. Press, 1969), and by the comments of agencies, attorneys, and citizens of Washington State. The Legislature has undertaken to consider and to balance divergent views.

The Commissioners on Uniform State Laws have expressed the need for a new APA as follows:

"The case for a complete revision of the Conference's 1961 Model Act is very strong. State administrative law has grown enormously in size and complexity since 1961. In the last twenty years, there has also been a great deal of experience with the provisions of the Model Act as enacted in the several states, and also a great deal of state legislative experimentation with additional or different administrative procedure requirements. Scholars in the field have also been especially active during the last twenty years, proposing new solutions to old problems as well as new evaluations of old solutions.

"...a new Model State Administrative Procedure Act must also adequately reflect the tremendous recent growth in state government in general and of state administrative agencies in particular. In the last twenty years, vast social changes in the United States have greatly increased and altered the functions of state government. For example, in 1961 issues such as environmental preservation, energy conservation, and safety in the workplace were rarely even considered by the Legislatures of the states. Yet today, these issues are so important that most states have separate agencies to deal with them. The number and extent of public welfare programs has also grown since 1961. States now usually have several large agencies administering such benefactory programs, which raise some new and difficult procedural questions. This growth in state government, and change in the nature of its responsibilities must, therefore, be reflected in the provisions of any new Model Act.

"A new Model Act must also reflect certain judicial developments of the last twenty years. In many state courts there has been a distinct shift away from an earlier insistence on clear standards in legislative delegations of authority to administrative agencies. Instead, many state courts now permit legislative delegations of authority to administrative agencies subject to only very general statutory standards, if those delegations are also surrounded by adequate procedural safeguards, such as those found in a well-drafted and comprehensive administrative procedure act. This, too, has heightened the significance of state administrative procedure acts and the adequacy of their provisions. Any new Model Act will have to deal with this enlarged importance of the contents of such state acts. It will also have to reflect the drastically changing nature of due process requirements announced during the last twenty years in the decisions of the United States Supreme Court."

In Washington State, legislative delegation of broad powers to agencies under general statements of purpose is common. In order to limit the exercise of this broad power and to assure fair treatment to citizens, the Washington courts have judicially created principles such as the "appearance of fairness doctrine." The courts have also created other standards for judicial review which have lacked the consistency and predictability necessary to guide both agencies and citizens affected by agencies. New concepts are needed.

The new act is based to a large extent, but not exclusively on, the Commissioners' Model APA (1981). The act, like the Commissioners' Model Act (1981), is more detailed than the current chapter 34.04 RCW and the former model act. This detail is necessary to effectuate basic principles. For example, the phrase "reasonable notice is required" is simple. But what is reasonable notice? It is 5 days, 10 days, 20 days, or what? Detail is necessary to specify what is reasonable in each situation. The necessity for more detail is explained by the Commissioners as follows:

"There are several reasons for this. First, virtually all state administrative procedure acts are much more detailed than the 1961 Revised Model Act. Second, the states badly need and want guidance on this subject in more detail than the earlier act provided. Third, substantial experience under the acts of the several states suggests that much more detail than is provided in the earlier Model Act is in fact necessary and workable in light of current conditions of state government and society....

"...Yet, that somewhat greater detail in this proposed act is drafted so as to assure a fair balance between the urgent need for efficient, economical, and effective government on the one hand, and a responsible administrative process in which persons may adequately protect their interests against improper or unwise government action on the other."

The Legislature believes that this act should and will result in an increase in public confidence in administrative agencies and the administrative process. The Legislature realizes that the act places new requirements on agencies. The Legislature appreciates the input it has received from agencies, and has sought to accommodate agency concerns in the balance leading to the new requirements. These new requirements take the form of increased citizen participation and fairness, to improve the quality of agency action and enhance acceptance of that action by those persons affected by it. The ultimate purpose of the act is better administrative rules, better decisions, less litigation, and increased public confidence in government.

PART I.  
GENERAL PROVISIONS

1 COMMENT

The definition of "agency" is taken from the Model Act (1981) and is broader than the definition contained in RCW 34.04.010(1). In the interest of subjecting as many state governmental units as possible to the provisions of the new APA, the definition of "agency" omits the language of the current RCW 34.04.010(1), which includes only those agencies "authorized by law to make rules or to determine contested cases." The definition excludes the governor, the Legislature, the courts, and in most situations the attorney general. The last sentence is taken by the Model Act (1981) from the Federal APA and is intended to avoid difficulties in determining which is "the agency" when one governmental unit is within or subject to another; both are agencies.

The Legislature, after much consideration, elected not to include municipal and quasi-municipal agencies, such as school districts, sewer districts, city planning commissions, and the like under the APA. Municipal agencies have as much, if not more, of an impact on the lives of citizens as state agencies. The needs for checks and balances on agency discretion, for uniform procedures, for effective citizen participation, and for meaningful review of agency action are as great with municipal agencies as with state agencies. Comments received by the Legislature indicate a need for uniform administrative procedures for municipal agencies, although most comments suggest that such procedures should be embodied in separate legislation.

The definition of "agency action" is based upon the Model Act (1981). Such a definition is not included in the current chapter 34.04 RCW. A definition of agency action is included in the Federal APA; however, the federal definition is restricted to any agency actions that can be categorized as the making of a "rule" or an "order." The definition of "agency action" in the Model Act (1981) and in the new APA is broadened to include other duties, functions, or activities which the agency is required to perform. Additionally the definition of "agency action" specifically includes an agency's failure to act when required to do so. The aim is to minimize situations where an agency may avoid determinations of rights and duties, both generally and in particular cases, simply by doing nothing. Under the current chapter 34.04 RCW, a citizen affected by the agencies' failure to perform has no administrative recourse, but must resort to special remedies in the courts.

The effect of the new definition of "agency action" is that an agency's performance, including nonperformance, will be subject to judicial review, subject to limitations under other provisions of the new APA. Thus, citizens who are adversely affected by agency action or inaction will have greater opportunity for court review so long as they meet the requirements of this Act allowing review. The Act does not permit the courts to become administrators making administrative decisions; but, the courts may be called upon to move the agency to act as required by law.

The Legislature is also not unmindful that the cause of some agency inaction, or limited action, is the failure to appropriate adequate moneys to fund the programs that agencies have been given to administer. Inadequate funding requires an agency to make difficult budget decisions to allocate scarce resources. However, when the Legislature has included definitive agency action, that action must be performed. If lack of money is the cause of inaction, the agencies should be open in presenting this reason in justification of their limited action or inaction.

Since the definition of "agency action" incorporates the terms "rule" and "order," the definitions of these terms should be consulted. The limits on judicial review of agency action, which further confine the concept, are set forth in other provisions of the new APA.

The definition of "agency head" is new and is taken from the Model Act (1981). For some purposes in the APA, the agency itself is distinguished from the agency head.

The definition of "license" is from the Model Act (1981). A similar definition is included in the current RCW 34.04.010(4) and (5). See the comment below.

The definition of "order" is from the Model APA (1981). Although there is no such definition in the current chapter 34.04 RCW, a similar concept is dealt with by the term "contested case" in RCW 34.04.010(3). An "order" includes only legal determinations made by an agency that are of particular application because addressed to particular, named and specified persons. Any agency action determining any legal right, duty, privilege, or immunity of particular, identified individual or individuals is an "order." This is to be compared to the definitions of "rule" and "order of adoption" of a rule, which deal with decisions of general applicability.

The term "entry" of an order is used in preference to such terms as issuance, rendering, and deciding, which have ambiguous meanings in current practice. The term "filing" is defined as the time when a document is received by the agency at the place it designates, to determine whether documents are timely filed with the agency, in the same manner that filing is made with the court. This rule will maintain the burden of assuring that filing is accomplished in a timely manner upon the person who is seeking to make the filing.

The definition of "rule" is virtually identical to the definition in the current RCW 34.04.010(2). Prior drafts of this act contained a much more inclusive definition taken from the Model Act (1981), defining a rule as any agency "statement of general applicability" that sets forth law, policy, or requirements of the agency. Prior drafts then established different classes of rules with different rule-making procedures. Based upon agency concerns that the Model Act definition and procedures would not work in practice, the Legislature chose to maintain the current definition of rule, and to add new classifications of nonrule interpretation and policy statements.

The definitions of "interpretive statement" and "policy statement" are new. One of the major complaints by persons dealing with agencies is that agencies avoid making open public "rules" by use of nonpublic "interpretive" and "policy" statements. An agency by internal memoranda, word-of-mouth, or a course of conduct, lets its staff know how it expects staff members to decide in certain circumstances of general applicability. However, the person dealing with the agency is not privy to these "interpretive" or "policy" statements, and does not know what to expect. The complaint is made that agencies operate by a "secret law," when it could and should be operating under written rules that have been subject to open, public rule-making procedures. The whole idea behind our democratic concept of a "government of law, not men" presupposes that the governed know or have access to the laws or rules applied by the government. This complaint about "secret law" is widespread and deeply felt. In the words of Professor Davis, "secret law ... has no place in a decent system of justice." *DISCRETIONARY JUSTICE*, p. 110.

On the other hand, agency personnel have legitimately indicated that it often takes some time and experimenting before the agency is in a position to determine what the final content of a rule should be. During this period, flexible policy statements allow the agency to make decisions while adjusting to changing factual situations, new knowledge, or increased experience. Once the agency is more certain as to what is required, then and only then is it in a position to adopt a rule that is fully binding.

This act balances both positions by providing that agencies are encouraged to make written interpretive and policy statements, by providing that all such statements must be published and available to the public, but by providing that such statements are not rules that unconditionally bind the agency. The objective is to

encourage agencies to announce their opinions, approaches, and likely courses of action, without sacrifice of agency flexibility when a rule is not feasible.

The other definitions in section 1 are taken from the Model Act (1981). They make terminology of the APA more precise and less subject to dispute.

#### 2 COMMENT

This provision makes it clear that the act is procedural only. It prescribes procedures an agency must follow in performing its tasks, but the act does not determine the tasks. The act does not grant substantive authority, but merely governs the exercise of authority granted by other statutes. Specifically, the act does not require an agency to adopt substantive rules in the absence of a statute requiring such adoption, and thus it does not convert agency discretionary rule making into mandatory rule making. Nor does the act create any right to an adjudicative hearing or proceeding; such right must be based upon some other provision of law or constitution. Nor does the act require that any agency use an administrative law judge. The act is entirely procedural. Other statutes may impose additional procedures. Furthermore, as in the current RCW 34.04.940, subsequent legislation may change the act as to any agency only by express provision.

#### 3 COMMENT

This section sets forth the limited activities of certain agencies that, for the time being, are exempt from the provisions of this act because of their unique duties and functions.

#### 4 COMMENT

This provision is the same as RCW 34.04.930 and 34.04.931.

#### 5 COMMENT

This provision is from the Model Act (1981) and incorporates standard notions of waiver. Rights under the act would be waivable by a person in the same way that rights under civil statutes are normally waivable.

#### 6 COMMENT

This section is from the Model Act (1981). Its purpose is to encourage settlements as a matter of public policy. The current RCW 34.04.090(4) provides that in contested cases, informal dispositions may be made by settlement agreement. This section provides that agencies have a duty to attempt to settle cases, and requires that they adopt rules to do so. Settlement is more economical and efficient than adjudication.

#### 7 COMMENT

This section is taken from the Model Act (1981). Its purpose is to allow the agency flexibility so long as it does not substantially prejudice a party's rights. For example, an agency involved in an adjudication proceeding with a person could decide, based upon the number of persons attempting to intervene or upon some other reason, that the issue could better be decided in a rule-making proceeding. This section would allow conversions. Or, for example, a formal adjudication proceeding could be converted into a brief, informal adjudicatory proceeding. The purpose of this section is to allow the agency to match the proper proceeding to the specific problem. Agencies will not be hamstrung by having to pick one procedural category over another; they can convert from one to another depending upon the need.

#### 8 COMMENT

A goal of this act is uniformity of procedure from agency to agency. It is recognized that absolute uniformity is not practicable. The purpose of this section is to allow agencies by rule to vary from the time limits imposed by other sections of this chapter under the circumstances specified in this section.

Subsection (2) is intended to be applicable to small agencies, principally boards of commissioners. Such boards meet sporadically; for example, two or three times per year. Such boards have a limited staff. If these agencies are to

perform their duties, they require deviation for the normal time limits imposed in other sections of this chapter.

Subsection (3) is intended to be applicable to all agencies. Any variation from the time limits of other sections must be necessary to the performance by the agency of its duties. This subsection allows agencies considerable latitude in adopting time limits to particular circumstances and to permit a certain degree of experimentation. At the same time agencies are encouraged to comply with the statutory time limits whenever possible, in aid of uniformity, simplicity, and clarity.

Subsection (7) requires reasonable and adequate notice of variations from the time limits of other sections of this chapter. Such notice requirement is not met merely by publication of the rule adopting the variations. A pertinent time limit must be communicated in the context of a specific proceeding to the persons affected by the proceeding. Not all time limits need be, or should be, communicated in a particular situation; a person need be informed only of imminent time limits that affect the next stage of the proceeding. The subsection envisions agency flexibility in providing notice. An agency might provide a citation to rules in its initial pleading. Alternatively, the agency could provide notice of the next relevant time limit at each stage of a proceeding. Other methods are possible, so long as they adequately inform an affected person of the time limits that are applicable in the proceeding.

## PART II. PUBLIC ACCESS TO AGENCY RULES

### 9 COMMENT

This provision is taken from the Model Act (1981) and from the current RCW 34.04.050 through 34.04.058.

### 10 COMMENT

As previously discussed in the introductory comment and the comment to section 1, whenever agencies have and maintain written interpretive or policy statements that are used by agency staff to determine or guide agency action, then such statements should be available to the public. Nonpublished "secret law" has no place in a democratic system of government. This section recognizes that in practice many interpretive and policy statements are made "in the field" by supervisory personnel and not by an agency's governing commission or head. This section also recognizes that in practice interpretive and policy statements may not be uniform among branches or offices of the same agency. Uniformity is desirable, but interpretive and policy statements are by nature tentative and experimental, and precede uniform rules. The objective is to encourage agencies to make public their current opinions, approaches, and likely courses of action early in the formulation process. As discussed by Professor Davis, openness precedes fairness in priority, because openness is the most effective check on arbitrariness. As Professor Davis asks, "Can the picture be beautiful if nobody is allowed to see it?"

The comments on indexing of orders are also applicable to subsection (2) of this section.

### 11 COMMENT

This section is designed to insure public access to important agency orders. Subsection (1)(a) essentially duplicates the requirement in RCW 34.04.020(3). The remainder of the section is aimed at developing a useful index of agency proceedings so that citizens have easy access to authoritative agency expressions of policy. Subsection (1)(b) requires the agency to maintain a name and subject index of written final orders which discuss and resolve issues presented by the parties. Although the index is not required until the effective date of this section, agencies are encouraged to include in the index orders issued before the effective date. Subsection (3) allows agencies to use outside services, such as commercial preparers, to prepare the index, but the agency must still make that index available for inspection and copying on the same terms as if it had prepared the index itself.

The agency may not rely on an order to the detriment of a person when that decision has not be indexed. Where the person has actual timely knowledge of the order, this restriction does not apply. However, it is important to note that the

indexing requirement is prospective only. While indexing past orders may have some benefit, the benefit would be greatly outweighed by the significant cost and ambiguity it would add to the implementation of the act.

#### 12 COMMENT

This section is a variation on an old theme. The current RCW 34.04.080 provides that an agency "may issue a declaratory ruling," but does not set forth any standards or limits on the exercise of the agency's discretion to do so. Despite successful use of similar provisions by some federal agencies, very few Washington state agencies have undertaken to issue declaratory rulings. Prior drafts of the act provided that an agency "shall" enter a declaratory order or give a written answer as to why it would not issue an order. In response to concerns that agencies might be overwhelmed with petitions, the section has been extensively revised to specify specific standards for petitions and to specify types of reasons for which an agency may decline to enter a declaratory order. An agency may further limit circumstances under which it will enter orders by adopting rules tailored to the agency.

The new section affirmatively requires that agencies make declaratory orders or, if they refuse to do so, to state reasons for such refusal. As stated by the Commissioners of the Model Act (1981), the "purpose of the proceeding is to provide an inexpensive and generally available means by which persons may obtain fully reliable information as to the applicability of agency administered law to their particular circumstances."

An example of the speed and economy of a declaratory order procedure is the business person subject to regulation by an agency. The business person wants to engage in certain conduct, but does not know if the agency will declare the conduct unlawful. Using the declaratory order procedure, the business person can describe the specifics of what he or she proposes to do and then can ask the agency to declare the described conduct lawful. If the agency declares the conduct lawful, then the business person can proceed with certainty. If the agency declares the conduct unlawful, then the business person can modify his or her conduct accordingly or can appeal the decision. In the absence of a declaratory order procedure, or the agency's unwillingness to use such procedure, the business person must decide to proceed under a cloud of uncertainty that his or her conduct may be declared unlawful after the fact with resultant damages or penalties, or decide not to take the risk of proceeding at all. Under the mandatory declaratory order process, uncertainty and risk are minimized in advance.

Under the act the agency must make declaratory orders unless it gives legitimate reasons or it has adopted rules describing those circumstances under which it will not do so, or unless in a particular case it states a proper reason not to do so. The agency's rules and reasons for refusing to grant a declaratory order must be consistent with the public interest and with the policy of this chapter encouraging declaratory orders. The agency's rules and reasons for denying declaratory orders will be subject to judicial review as "agency action." If the courts find the rules or reasons to be improper, because beyond agency authority or an abuse of discretion, then the court would remand to the agency with instruction to change its rules or to enter a declaratory order, or both. The court itself would not enter the declaratory order.

The Model Act Commissioners and the Legislature recognize that the obligation to respond to petitions for declaratory orders may place burdens on the agencies. On the other hand, an agency's refusal to make declaratory orders places these substantial burdens on citizens, as in our foregoing example of the business person. The agency, however, can control this burden through rules excluding declaratory orders in proper circumstances, through general rule making that covers general situations, and through conversion procedures for changing declaratory order proceedings into adjudication proceedings or rule-making proceedings.

#### 13 COMMENT

This section has been substantially redrafted. The preliminary drafts incorporated the Model Act (1981) provision requiring agencies to, "(a)s soon as feasible and to the extent practicable, adopt rules... that set forth appropriate standards,

principles, and procedural safeguards the agency will apply to the law it administers." This was the Model Act's attempt to deal with the problem of "secret law," i.e. an agency's application of nonpublic interpretations and policies to citizens, without the citizen's advance knowledge of the standards to which the agency would hold the citizen accountable. State agencies strongly objected to such "required rule making" on grounds that it would result in proliferation of inflexible rules and would in practice be unworkable. In response to agency comments, the Legislature has eliminated required rule making, but in other sections of the act has encouraged agencies to set forth their interpretations and policies in publicly available statements that do not have the status of rules.

The section retains the Model Act (1981) requirement that an agency as soon as feasible supersede "case law" with rule making. First, affected members of the public have notice and an opportunity to participate in rule making, while such opportunity is limited when the agency acts on a case-by-case basis. Second, law and policy expressed in the form of rules is more readily accessible, visible, and understandable to the public than case precedents. Third, rules are more easily monitored by the Legislature and those who would check and balance agency discretion. As the drafters of the Model Act (1981) state: "Only by the enactment of a statutory provision of the type recommended here, therefore, can agencies be forced to codify in rules principles of law or policy.... (w)ithout such provision they will be free, in many situations, to make their most controversial policies on a case-by-case basis in adjudications, and thereby avoid on a permanent basis rule-making procedures...." (Emphasis in original.)

The section also specifically provides that an agency order based upon "case law" is lawful, and is not invalidated, because prior to the order it would have been feasible for the agency to have undertaken rule making. The remedy under this section is to petition for rule making.

#### 14 COMMENT

Some agencies produce interpretative and policy statements to guide staff in undertaking agency action. The act requires that such written statements be indexed and available to the public. The purpose of this section is to encourage agencies to make publicly known their current opinions, approaches, and courses of action, without binding agencies to the formalities of rule making and rules. In the words of Professor Davis, "When an agency knows what it is doing, it should say in some form what it is." DISCRETIONARY JUSTICE, p. 102. Once publicly disclosed, such interpretations and policies are available to guide citizen action as well as agency action. Citizen action may take the form of participation in government through a give-and-take exchange with the agency or a legislator. Citizen action may take the form of compliance once citizens understand what an agency is doing, and the agency conduct no longer appears arbitrary or discriminatory. Democracy is built on the premise that good comes from exposure to public scrutiny. Interpretative and policy statements are not rules, and are thus subject to change by the agency at any time based on a fair and rational basis.

This section allows flexibility to the agencies. It often takes some time and experimenting before an agency is in a position to determine what the final content of a rule should be. During this period, flexible interpretations or policy statements allow the agency to make decisions while adjusting to changing factual situations, newly acquired knowledge, or increased experience. Once an agency is more certain as to what is required, then and only then is it in a position to adopt a rule that is fully binding. The Task Force would point out, as Professor Davis has discussed, agency rules and statements do not necessarily have to take the form of generalized statements, but can take the form of hypothetical fact statements and resolutions thereof.

Agencies need flexibility. On the other hand, persons subject to or affected by agency action must be able to place fair and reasonable reliance on agency interpretations and policies. Therefore, although interpretative and policy statements are not fully binding such as rules adopted with full notice and public comment procedures, they do have binding effect to the extent that there is no fair and rational basis for deviation from them on a case-by-case basis, and to the additional extent that deviation does not produce relative individual hardship. This

should not unduly restrict the flexibility of agencies. Since an agency's statement is only the agency's opinion—albeit an important opinion from a practical standpoint—as an opinion it is subject to contest, and the fairness, rationality, and relative hardship standards must be read in this light.

#### 15 COMMENT

This section is taken from the Model Act (1981). The current RCW 34.04.022 provides that the Chief Administrative Law Judge shall promulgate uniform procedural rules for contested cases governing all agencies, and provides that the Chief ALJ may allow "variations" for particular agencies from the uniform rules if there are "demonstrable needs for variations." See also RCW 34.12.080. The Legislature feels strongly about the desirability of uniform rules applying to all agencies. Indeed, the degree of greater detail in the act reflects this concern. However, because of the great variety of tasks given to agencies, absolute uniformity is an ideal difficult to reach in practice. The Chief Administrative Law Judge has found it difficult to "promulgate" uniform rules. Therefore, the act provides that the Chief ALJ shall adopt "model rules" of procedure which each agency must adopt to the extent practicable, giving reasons for any variation. Each agency is thus allowed flexibility, but its action is subject to review. The Chief ALJ's model rules would include all aspects of agency action, not merely adjudication.

### PART III. RULE-MAKING PROCEDURES

#### 16 COMMENT

This provision is designed to allow and encourage agencies to secure the broadest possible public comment on potential rules by allowing it to announce the topic of a future rule and receive comment to assist it in making its first draft before formal publication in the state register. This provision is not intended to preclude agencies from gathering information from any source and in any matter which is not currently prohibited by law.

Earlier drafts would have provided for appointment of committees, but would have required annual publication of their memberships. In response to comments, the Task Force deleted the publication requirement but added a requirement that each agency designate a person as a rules coordinator, to know what is happening with rules, and have that person's name published. The agencies presently designate a person informally to communicate with the Code Reviser's office, so this provision would impose no added burden. The purpose for publication of the committee membership seemed to be to allow access and make information available; this provision will do the same in a simpler and easier manner.

The inclusion here of an exemption from judicial review emphasizes the narrow scope of such exemptions under the act.

#### 17 COMMENT

The purpose of this section is to ensure the availability of information about each proposed rule proceeding at an early stage in the rule-making process, and to ensure a history of the proceeding. In response to comments, the Legislature made the provision less bureaucratic, more workable, and easier to meet.

An assumption implicit in this section is that there will be an occasion for oral comment in every rule-making proceeding. Present practice is to do so in about 95 percent of all cases, and making the provision mandatory would not impose an undue burden. Doing so does afford substantial economies: it allows for standardized procedures; it eliminates a possible duplicating notice requirement — first for publication, second for the time and place of the public airing. It allows deletion of the provisions for keeping records of persons seeking the oral hearings; it removes a substantial burden from persons who may offer valuable comment; it encourages citizen participation in government and will not render the process more burdensome for agencies.

The standard for compliance by an agency with subsection (1) is good faith. An agency may by rule define more specifically when a particular rule has reached a stage where it is "being prepared by the agency for proposal."

### 18 COMMENT

This provision requires notice in the state register 20 days before the occasion for public comment and consideration of the proposal. It has been modified from the earlier draft to delete a cost-benefit analysis, which the Legislature has already rejected; it also shortens the minimum notice time to 20 days from 30 to allow a speedier process and to conform more closely with current practice.

The provision in subsection (1) requiring a brief description of any changes the proposal would make in existing rules is not intended to be an elaborate recitation of all changes, but an abbreviated summary, perhaps not dissimilar from the state voters' pamphlet descriptions of change in laws resulting from initiative or referendum.

Subsection (1)(c) requires that the full text of a proposed rule or amendment be included in the register, consistent with current law and practice.

The purpose of subsection (1)(e) is to provide reasonable notice to substantially affected groups. Its purpose is not to require agencies to anticipate every possible consequence of the proposal or to identify every person it may indirectly affect. It requires only good faith compliance by agencies.

### 19 COMMENT

This section requires the agency to receive oral and written comment on a proposed rule until the specified time expires. It clarifies the earlier draft to allow an extension of time for comments or a continuance of the public session; it eliminates the Model Act (1981) proposal that agencies adopt rules for the conduct of occasions for oral comment in favor of a broad statement that the proceeding is legislative in character and that it should be reasonably conducted to allow interested persons the opportunity to present comment.

The section also provides that although the agency head (the term includes all members of a multi-person board or commission) can appoint any person to act as presiding officer, if the agency head is not present at substantially all the oral proceeding then the presiding officer shall prepare a summary of comments for the agency head. This provision loosely parallels the current chapter 34.12 RCW and is aimed at assuring that the agency head at least sees a summary of comment before acting on a proposed rule. The agency head may but is not required to request an administrative law judge from the Office of Administrative Hearings to preside at the rule-making hearing.

The summarizing memorandum of subsection (3) is intended to be the presiding official's good faith effort to summarize points made in presentations at the rule-making hearing for consideration by the agency head. It is recognized that the agency head normally does not listen to a recording or read a transcript of the hearing presentations. Therefore, if the hearing itself is not to be a useless act, a summary of points must be prepared for review by the agency head. A written summary, available to a participant on request, assures that the summary will reflect, with reasonable accuracy, what occurred at the hearing. Again, the standard of accuracy is a good faith effort to summarize.

### 20 COMMENT

This section requires the agency to wait until the time for receiving oral and written comments has expired before adopting a proposed rule. It also establishes a 180-day period, after publication of the text in the state register, for a proposal's existence. Current practice is that virtually all rules get through the process in that time, although the present statute provides a year before proposals are considered abandoned. RCW 34.04.048(2). If the process for a rule is particularly slow and the time runs out, republication of the notice in the register would keep the proceeding open.

### 21 COMMENT

The purpose of this section is to ensure the adequacy of the public comment process and that the rules actually adopted are those upon which the public has had the opportunity to comment. This section states the rule that an agency may not adopt a different rule from the one which has been noticed; it is consistent with existing law. See RCW 34.04.025(2). It does provide some standards for telling when

a substantial difference has occurred, which both agencies and courts may find helpful.

#### 22 COMMENT

This provision follows current law, RCW 34.04.027.

#### 23 COMMENT

The Model Act (1981) proposed a new standard for adopting emergency rules that would have made it easier to use the emergency process and would have allowed selective disregard of various procedural provisions. Several comments were received objecting to that approach, principally from governmental lawyers. This section is now substantially identical with current statute, except that it expressly places the burden on the agency to establish good cause for an emergency rule.

#### 24 COMMENT

The purpose of this section is to require the agency to think about the purpose for each of the rules that it adopts and to make the statement available for public understanding. This section requires the statement within 30 days after adoption of the rule, to allow the agency time to prepare the statement in light of evidence it considers, and in allowing the statement as a part of the agency's rule-making record rather than as a part of the rule itself. Compare the provision in RCW 34.04-.045. Subsection (2) is identical to provisions of RCW 34.04.025(3).

Prior drafts incorporated a subsection that limited the basis for the validity of the rule to reasons set forth in the explanatory statement, or amendment thereto. The purpose of this proposed subsection was to allow public consideration of and opportunity for comment on the reasons for a rule. Agencies, however, express concern that the proposed section would be used to invalidate rules with legitimate basis simply because the agency failed to anticipate changes in the legal status of reasons, stated or unstated. A valid rule is valid, regardless of the reason stated in the explanatory statement. Although there was considerable debate, the previously proposed subsection has been eliminated.

#### 25 COMMENT

This section requires that the order adopting the rule contain the date of its adoption, the concise statement of purpose, a reference to authority under which the adoption is made, any required findings, and the rule's effective date if other than statutory. An earlier draft would have required this material to be in the rule itself. However, the information is more appropriately included in the order of adoption and is not necessary to be included in the rulebooks.

#### 26 COMMENT

This section specifically allows the incorporation by reference of published material into agency rules. It sets out standards for availability of the material and clearly states the judicial rule of the state that only the referenced version, and not later promulgations by the original issuer, are incorporated.

#### 27 COMMENT

This section requires each agency to maintain a record of the rules that it is processing. It is contemplated that this record will be the agency's file of information about the rule, copies of notices, etc., and material important to the agency consideration of the proposal, such as public comments. The requirement is merely to compile in one convenient place such materials. Subsection (3) excludes internal agency memoranda, as does RCW 42.17.310(1)(i) from which the language of subsection (3) is taken, on the ground that public policies in promoting full internal discussion outweigh the need for public scrutiny.

Subsection (2)(c) has generated comments from agencies concerned that if an agency leaves some written material out of the record, the omission can be made the basis of a court challenge to the validity of the rule. Thus, these comments express the fear that agencies will have to include in the record everything that might possibly be considered important. This is not the intent. The purpose of this provision is communication with the public. An average citizen reviewing the

record should be able to ascertain the basis for the rule. The agency need do no more than act in good faith. Subsection (4) specifically provides that the record need not be the exclusive basis for agency action.

#### 28 COMMENT

This section provides that all rules proposed by publication after the effective date of the act must be accomplished in substantial compliance with the requirements of the act. It provides specifically that inadvertent failure by an agency to mail a notice to a person who asked for it doesn't constitute grounds for invalidating a rule. The section also maintains the existing two-year statute of limitations for challenging the validity of a rule based on failure to comply with procedures of the act.

#### 29 COMMENT

This section requires filing of rules.

#### 30 COMMENT

This section provides that rules become effective 30 days after filing with the code reviser, except as otherwise noted. Earlier drafts would have provided effect 30 days after publication, a change from current practice. It is felt that this provision will allow more timely effect than the earlier draft but will not restrict public notice. The standards for earlier or later effective dates are set out.

Subsections (2) and (3) allow immediate effect upon stated conditions, a change from current law. This draft recognizes that at this point in the rule-making process there has been full public comment and that there are circumstances where immediate effect will be in the public interest. The circumstance is distinguishable from emergency rules, which are given only temporary effect because there has been no opportunity for public comment.

#### 31-33 COMMENT

These sections are mechanical in nature and are designed to parallel existing law and to simplify the operation of the rule-making system.

#### 34 COMMENT

This section is similar to present RCW 34.04.060. It requires agencies to establish rules for petitions for rule making, then, if a petition is received, either deny it within 60 days, stating reasons, or start a rule-making proceeding.

### PART IV.

#### ADJUDICATIVE PROCEEDINGS

#### 35 COMMENT

This section, which is based on the Model Act (1981), provides the linkage between the definition of "order" in section 1 and the various types of adjudicative proceedings established in subsequent provisions. As is true under RCW 34.04.010(3), the ability or responsibility of an agency to conduct such proceedings will be dependent upon its enabling legislation or, in some cases, upon the constitutional rights of persons to a hearing. As noted by the commissioner's comment to the related provision of the Model Act (1981), "[a] few state APA's make adjudicative hearing available without the need to be 'required by law,' but only in limited situations. Some other state APA's make adjudicative hearings available in a broad category of situations without the need to be 'required by law.'" After considering comments to an earlier draft, which followed the lead of the second group of states mentioned, the present approach was determined to be more sound and workable.

Subsequent sections do depart from present law, which, along with the majority of state APA's, describes only a single type of adjudicative proceeding. It should be noted, however, that neither this section nor any of the following sections purport to specify or determine which type of adjudicative proceeding is required in any particular situation. The question addressed is, rather, whether an adjudicative proceeding need be conducted at all. Subsequent provisions enable agencies to

determine whether the proceeding shall be a formal, brief, or emergency proceeding and ongoing proceedings may be converted from one type to another as necessitated by changed circumstances. Subsequent sections have also been designed with recognition of the fact that in most adjudications, particularly those involving benefit agencies, the citizen involved does not have an attorney. The presiding officer has discretion to match degree of formality to need for formality.

The justification for providing a variety of procedures is that, without them, many agencies will either attempt to obtain enactment of statutes to establish procedures specifically designed for such agencies, or proceed "informally" in a manner not spelled out by any statute. As a consequence, wide variations will occur from one agency to another, producing unnecessary complexity and uncertainty for citizens, agency personnel, lawyers, and reviewing courts.

Under RCW 34.04.090 (3) and (4), agencies are granted general authority to make summary and informal dispositions. Nevertheless, this has not provided a sufficiently clear statement of rights to avoid litigation over the question. See, e.g., *ASARCO v. Air Quality Coalition*, 92 Wn.2d 685, 601 P.2d 501 (1979). A commissioner's comment notes that four other states have found it useful in their APA's to describe at least the procedural rudiments of less than formal adjudication. The Task Force believes, along with many who commented favorably, that the establishment of a general framework for various types of adjudicative proceedings will eliminate the need for and minimize the likelihood of further debate over this issue. Comments received in response to earlier drafts have stressed the need for careful and possibly continuing attention to the interplay between the provisions in this and following sections and chapter 34.12 RCW, governing the Office of Administrative Hearings. Most adjudicative proceedings are conducted before independent administrative law judges appointed by the Office of Administrative Hearings. Much discretion to flexibly match the formality of the proceeding to the circumstance of the particular case has been left to the administrative law judge.

#### 36 COMMENT

This section states when an agency may and when an agency shall commence adjudicative proceedings. This section does not expand the scope of an agency's authority as specified by the statute granting such authority. Section 35 and this section leave the agency with conventional "prosecutorial discretion" on the question of when to issue complaints, or when to commence proceedings such as prosecutions or investigations. No special procedural requirements are imposed on an agency making such decisions, although the agency's discretion on such matters is somewhat limited by section 37 which requires that before an agency denies an application to commence a proceeding, it must furnish the applicant a written statement of its reasons. It is assumed that such a decision will be reviewable as final agency action according to whatever standards the courts are using to review exercise of such discretion. The statute does not affect the scope of that review, other than to insist that the agency explain its reasons.

#### 37 COMMENT

The combined effect of section 35 and this section imposes no procedures upon an agency that decides not to conduct an adjudicative proceeding in response to an application, except to give a written notice of dismissal, with a brief statement of reasons and of any available administrative review. Such decisions, while not governed by the adjudicative procedures of this act, are subject to limited judicial review as "agency action."

#### 38 COMMENT

Subsection (2) establishes time limits and notification requirements for agency applications for orders, other than declaratory orders.

#### 39 COMMENT

This provision is similar in its content to RCW 34.04.170, and is adapted from the 1961 Revised Model Act, section 14(c), regarding license revocation, suspension, etc. By requiring "an appropriate adjudicative proceeding in accordance with this act or other statute," the provision makes clear that it has no application to an

agency that does not have independent authority to conduct adjudicative proceedings.

#### 40 COMMENT

This section addresses the question of who may preside over adjudicative proceedings, and deals also with the disqualification of an individual presiding officer and the appointment of substitutes. An agency is not required to use an administrative law judge to preside at an adjudicative proceeding. The agency head or one or more members of the agency head may preside. Although the Model Act (1981) provides an optional provision removing agency discretion and requiring that an administrative law judge from the independent hearing agency will preside, present law which allows agencies to make this determination is not disturbed. See, e.g., RCW 34.12.040.

Subsection (2) also preserves current law. Under RCW 34.12.020(4), certain agencies have been exempted from the requirement to utilize independent administrative law judges in the event the agency head or members of the agency head do not preside as hearing officers. These exempted agencies may employ other persons as presiding officers. The reason for such exemption is that the exempt agencies function to review orders or actions of other agencies and, therefore, have already been vested with an independent status by the Legislature to serve as a check on abuse of discretion by the agency whose order or conduct is reviewed. The exempt agencies are the pollution control hearings board, the shorelines hearings board, the forest practices appeals board, the environmental hearings office, the board of industrial insurance appeals, the state personnel board, the higher education personnel board, the public employment relations commission, the personnel appeals board, and the board of tax appeals.

#### 41 COMMENT

This section is taken from the Model Act (1981). It provides detail not found in the 1961 Revised Model Act or in chapter 34.04 RCW. It is not a source of authority for nonlawyers to advise or represent parties to agency proceedings. Neither does it prohibit such functions by nonlawyers if permitted by law.

It is recognized that, particularly with respect to agencies dispensing benefits, most citizens who deal with agencies are not represented by attorneys.

#### 42 COMMENT

Although agencies are presently given permissive authority to conduct extra-hearing conferences under RCW 34.04.090(9)(f), agencies should be more strongly encouraged to make such a procedure generally available and, where it is made available, to provide by rule for the notice and other procedures to be followed. Subsection (1) makes clear that an agency may, but need not, use the procedures established (as Model Rules) under section 13 by the Chief Administrative Law Judge. Where warranted by variations in agency responsibilities, the agency may by rule establish its own differing procedures.

In preliminary drafts, specific and detailed notice and other procedural requirements were proposed. After further deliberation, and following in-depth consultation with numerous agency spokespersons, the Legislature has been forced to conclude that its earlier approach may in some cases discourage agencies from using procedures for settlement or simplification of issues. It therefore has opted for this more flexible approach. However, the Legislature continues to feel that relatively comprehensive notice is appropriate to assist the parties (many of whom will frequently be representing themselves) and to assist the presiding officer in ascertaining whether the case can be settled or converted to another type of proceeding. Agencies are therefore urged to give particular attention to these considerations.

With respect to those situations in which an agency acts only as the hearing agency for another, it is not intended that such agency be required to comply with this section.

Subsection (2), taken from the Model Act (1981), expressly adapts the procedural innovation whereby a presiding officer may conduct all or part of the pre-hearing conference by telephone, television, or other electronic means. The phrase

"and where the rights of the parties will not be prejudiced thereby;" has been added to subsection (1) and, to the second sentence of the same subsection, the word "effectively." These changes, which were also made to section 48, with respect to similar procedures in the subsequent hearing, reflect a consensus that the economic and other benefits of emerging technology should not be elevated above the rights of parties for whom more direct and immediate involvement may be of significant benefit.

#### 43 COMMENT

This section is comparable to RCW 34.04.090(1). The Legislature has determined that the Model Act (1981) provision, assigning the responsibility for this function to the presiding officer, is neither necessary nor practicable. Thus, the agency's role is retained.

The purpose and function of the notice is to identify the time and place of hearing, to provide whatever information is available at the time notice is given as to the participants in the hearing, and to provide some general information as to the subject matter or issues to be involved and as to the nature of the hearing. The notice is not a bill of particulars. Subsections (2)(g) and (3) are similar to RCW 34.04.090(1)(d). Language has been added to clarify that the agency is not required to attempt to set forth the matters asserted by other parties, and to provide express authority for the existing practice of attaching a copy of the request for an adjudicative proceeding. The latter technique is a useful and pragmatic means to provide as much information to all parties as possible when the initiating party's assertions are not understood. The notice also is to identify the nature of the hearing; that is, whether it is an emergency hearing, brief adjudicatory hearing, or other type of hearing established by agency rule. The remedy for lack of specificity in the notice is a request for a more definite and detailed statement.

#### 44 COMMENT

This section makes a distinction between the items that the presiding officer shall permit (subsection (1)), and those that the presiding officer may permit (subsection (2)). Because presentation of many of the matters listed in subsection (1) is often made orally, the opportunity to "file" as provided in the Model Act (1981) did not seem quite adequate. Also, to make clear that responding to as well as presenting such matters should be guaranteed as well, the word "file" has been substituted in subsection (1) for the phrase "submit and respond to."

The authority placed in the presiding officer by subsection (2) to limit the parties' use of briefs and proposals is substantial. It is appropriate, however, to prevent the dilatory behavior which can result from the unrestricted right of parties to submit various motions and pleadings. The presiding officer is given discretion to flexibly yet fairly tailor the need to the circumstances.

#### 45 COMMENT

The Model Act (1981) version, which provides for a proposed default order, has been modified so that a single order may suffice. Language has also been added to make clear that the notice of default may be combined with or incorporated into another dispositive order. This permits the protective features of the provision to be accommodated in an economical fashion, within the procedures currently employed by some agencies. Careful consideration was given to comments urging that the grounds for vacating a default be specified. However, this is an area best left to the presiding officer's or the agency's discretion.

#### 46 COMMENT

The present law does not address the question of intervention, except for any implications that may be drawn from the broad authority granted by RCW 34.04.090 to "regulate the course of the hearing." If a petitioner satisfies the standards of subsection (1), the presiding officer may grant the petition to intervene upon making the determination described in that subsection.

The Legislature intends that intervention be treated in the model rules, and contemplates that agencies may adopt rules governing intervention for particular types of proceedings.

47 COMMENT

This section, though taken from the Model Act (1981) is similar in its content to RCW 34.04.105(2). In accordance with several comments, the Model Act (1981) version has been modified so as to continue present law and practice permitting the attorneys for parties to issue subpoenas.

Prehearing discovery is left to the discretion of the presiding officer, subject to statutory standards and any rules of the agency involved. This contrasts with the civil rules applicable to superior courts which leave discovery principally to the discretion of the parties and their attorneys.

Discovery is left entirely to the presiding officer unless the agency involved has adopted rules dealing with discovery. It is recognized that agencies face many different situations and that different levels and forms of discovery are appropriate to different types of situations. Any agency, therefore, is allowed to adopt rules limiting discovery in situations where limitation is appropriate. The Legislature contemplates that model rules will include discovery in different situations. Any agency rules on discovery will be adopted only after public participation in rule-making proceedings, and any agency rules will have to comply with basic due process standards of fairness.

The Legislature emphasizes that prehearing and hearing proceedings should be as informal as possible. Any discovery must be viewed in this context. Discovery should not be allowed unless it meets the conditions of subsection (3).

48 COMMENT

This section touches several critical issues concerning hearsay evidence — a type of evidence that may be important in some cases. First, the issue as to whether hearsay evidence is admissible (treated in section 49). Second, whether an order can rest on hearsay evidence alone (treated in section 51). Finally, the related matter of the extent of the right of cross-examination, since the admission and use of hearsay can abridge that right.

RCW 34.04.100 provides that reliable hearsay can be admitted, and that it can be given "probative effect." There is no express statement about whether, on judicial review, an order based only on reliable hearsay can stand, but this seems clearly implied. The right of cross-examination is absolute, at least so far as the right to cross-examine witnesses who testify. Nothing is said in the current Washington APA about the right to cross-examine authors of reports introduced as "hearsay" evidence, where the authors do not appear as witnesses.

As stated above, the Model Act (1981) somewhat limits the present right of cross-examination: such examination is required only where necessary for full disclosure of relevant facts. The advantage of the Model Act language is that it permits the presiding officer to limit cross-examination when it is being used for dilatory purposes. The Model Act proposals are sound.

49 COMMENT

Subsections (1) and (2) are consistent with current law, though they are more explicit. The subsections provide power for the presiding officer to exclude unnecessary evidence and to recognize existing privileges. As to the admissibility of hearsay, the Model Act (1981) proposal (which makes it always admissible) is modified to allow exclusion of hearsay when it is not generally reliable. The standard uses language repeated in section 52, below, and is generally consistent with RCW 34.04.100(1).

The first sentence of subsection (2) cites the Washington Rules of Evidence and requires use of the Rules as guidelines. It is thought that in complex cases where such Rules are most applicable, this reference can assist in making evidentiary rulings consistent and predictable. In simpler and more informal proceedings, on the other hand, this reference should not be used to create needless formality.

Note that the first sentence of subsection (2) is made subject to subsection (1). This seems useful to underscore the admissibility of reliable hearsay in administrative proceedings.

In contrast, the second sentence of subsection (2) would make the Washington Rules of Evidence, and their prohibitions on hearsay, applicable in certain limited

situations, such as adjudicative proceedings in workers' compensation cases before the board of industrial insurance appeals.

#### 50 COMMENT

This section, taken from the Model Act (1981), provides more detail than RCW 34.04.115, which addresses the same general subject matter. Subsection (1) has been modified to apply only to internal communications, leaving external communications for the following subsection. In response to comments to a prior draft, language has also been added to make it clear that communications with legal counsel are not prohibited. The word "willful" has been deleted from the first line of the Model Act (1981) version of subsection (7). Though not addressed in the statute, it is the consensus that violation of these provisions by agency personnel should be grounds for disciplinary sanctions.

#### 51 COMMENT

This section is taken from the Model Act (1981), and addresses concerns presently enunciated in RCW 34.04.115. In response to comments, the language has been modified to make it as clear as possible that agency heads are not disqualified by reason of their having authorized investigations or having made probable cause determinations.

#### 52 COMMENT

This section, though based on the Model Act (1981), has been significantly modified to accord with present law as well as with related Legislature concerns.

Subsection (1)(c) is applicable only to agencies that are exempt from chapter 34.12 RCW. An example is the Public Employee Relations Commission acting in a unit clarification dispute between a public employer and an employee or union. The presiding officer gathers facts and then transmits the record to the executive director who makes an initial decision. Because the Legislature is concerned that the official entering the initial or final order has not observed the witnesses, the presiding officer is to include in the record the presiding officer's comments upon witness demeanor where relevant to the issues involved. The Legislature stresses that subsection (1)(c) is exceptional.

Subsection (2) has been adapted from section 557 of the Federal APA to describe the contents of the orders. The second sentence on demeanor evidence has been added to facilitate the operation of section 53(4), which requires the agency on internal review of initial orders to give appropriate respect to such findings. The requirement that every proposed finding must be responded to in the order was deleted.

Subsection (3) states the reasonable-person standard of evidence and makes explicit that orders can be based on such evidence even if technically hearsay. The third sentence contains a proviso assuring that hearsay evidence will not be the exclusive basis for an order if better evidence is reasonably obtainable. That notion is drawn from WAC 1-08-520 and from *CHMELA V. MOTOR VEHICLES*, 88 Wn.2d 385 (1977), which permits an award to be based on hearsay alone so long as it is "the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness." This is a middle position between the rather more generous attitude toward hearsay in the Model Act (1981) and the less generous "residuum rule" laid down in the early workman's compensation cases, and currently adopted by rule by the Employment Security Department (see WAC 192-09-135).

Two changes are made to the Model Act version of subsection (4). First, the introductory phrase in this section is an effort to state the sentiment that agency expertise should be used only where it exists -- a principle that sounds obvious but which all feel is sometimes overlooked. As an aid to monitoring the principle, a requirement was that when an agency uses its expertise to evaluate the evidence, it must explicitly so state. It was concluded that such a requirement would be burdensome or ineffective. Whenever possible, however, the agency should identify such use of its expertise as part of its explanation of the evidence.

Second, the Legislature changed the reference in the Model Act from the presiding officer's experience to the agency's expertise, on the theory that expertise

put to this critical use should be the official agency experience, not the personal experience a particular presiding officer may have had. It is assumed that any relevant personal experience of a presiding officer will be to some extent involved in the decision in any event.

#### 53 COMMENT

This section allows delegating or even dispensing with internal review by agency rule. Dispensing with internal review has the effect of making the initial order of the presiding officer the final agency order, subject to immediate judicial review. This can both increase the responsibility of the administrative law judge and speed up the final resolution of the dispute. If the reviewing officer causes a transcript to be prepared at the agency's expense of all or part of the proceeding, the existence of the transcript should be made known to parties to the proceeding, and it should be made available for inspection to the parties. A party should receive a copy upon payment of the copying cost.

#### 54 COMMENT

The present APA mentions a stay granted by the agency or ordered by the court only in context of judicial review. RCW 34.04.130(3). This section, based on the Model Act (1981), makes a general provision for a stay in the context of the administrative proceeding. For example, a stay may be granted during reconsideration after a motion for reconsideration. See also section 76, on stay and other temporary remedies pending judicial review.

#### 55 COMMENT

This issue of reconsideration is obliquely referenced in RCW 34.04.130(1). The provisions suggested by the Model Act (1981) have been rewritten. Reconsideration is made available only for final orders. Also, the requirements in the Model Act for more elaborate findings, conclusions, and reasons before a petition is granted have been deleted. Generally, reconsideration should not be used to reargue the case, but only to correct obvious mistakes. Hence, more elaborate process seems unnecessary.

Subsection (2) requires a petition to be disposed of by the same person or persons who entered the final order, if reasonably available. Availability is not limited to physical availability. For example, if the person who made the final order leaves office, by resignation or because the term of office ends, that person is unavailable. This subsection contemplates that the petition can be disposed of in normal circumstances by telephone or other means that does not require the physical meeting at a specific time and place of a multimember decision-making body.

#### 56 COMMENT

This section is derived from the Model Act (1981), and has no counterpart in chapter 34.04 RCW. It does not apply to situations where a specific statute allows a de novo adjudication before the superior agency.

#### 57 COMMENT

This section distinguishes between the effective date of an order and the time when it can be enforced. It also sets the time when an initial order becomes a final order.

#### 58 COMMENT

This is an expanded version of 1961 Revised Model Act section 9(a), and RCW 34.04.090(5). See also sections 81, 82, and 83 on the record for judicial review, which may in limited circumstances include new evidence in addition to that contained in the agency record.

#### 59 COMMENT

This authorizes summary proceedings for emergencies, a matter not fully addressed in chapter 34.04 RCW. This description of emergency procedures is helpful in insuring that they are available when needed, will contain the maximum notice and opportunity for hearing consistent with the public interest, and will be

somewhat uniform among the agencies. No significant changes are made to the Model Act (1981) version.

#### 60 COMMENT

This section establishes a summary adjudicative proceeding to deal with matters that may require or otherwise merit a hearing, but which do not warrant a full, formal hearing. This should be distinguished from the summary order or informal disposition proceedings now authorized by RCW 34.04.090 (3) and (4). Here, while there may be facts at issue, and while a strictly informal disposition may not be appropriate, the level of process should be relaxed to reflect the limited public or private interests involved.

The Model Act (1981) version specified categories of cases, including, for example, denial of admission to an educational institution or a disciplinary report against a prisoner. This approach has been rejected for a generalized description of the situations to be covered.

#### 61 COMMENT

The procedures in this section are based on the Model Act (1981). Permitting persons who are not administrative law judges to preside (see subsection (1)(d)) is, on balance, desirable in aid of efficiency, though it is recognized that such a system appears a little less fair and may be less fair than procedures using independent hearing officers. This is limited only to brief adjudicative proceedings; see section 40 for requirements in other situations.

#### 62 COMMENT

If a provision of law (including an agency rule) precludes administrative review, a party can seek judicial review of the order resulting from brief adjudicative proceedings. The intent of this section, as explained by the commissioner's comment to the Model Act (1981), "is to vest discretion in agencies, unless otherwise provided by statute, to adopt rules precluding administrative review." This discretion is exercised by agency adoption of a rule precluding internal appeal.

#### 63 COMMENT

The Model Act (1981) provision has been generally followed, though shortened. In general, the requirements for statements of findings, conclusions, and policies have been replaced with a simpler requirement that the agency provide a brief written statement of the reasons for its decision—a change which seems more apt for these informal proceedings.

#### 64 COMMENT

Subsection (2) permits the agency to use nonrecord information in its decision. This flexibility is regarded as perhaps useful in the limited setting of these informal hearings, but it recognizes there is risk in permitting the decision-maker to go off the record.

### PART V. JUDICIAL REVIEW AND CIVIL ENFORCEMENT

#### COMMENT

Part V of the act collects in one place a variety of provisions dealing with the relationship between courts and administrative agencies. In addition, a number of judicial doctrines that have developed in connection with judicial review are codified here for purposes of clarity and consistent treatment. As a byproduct, citizens unfamiliar with "case law" are able to access doctrines in this statute itself. Part V deals with questions such as: What is reviewable, when review is available, who may seek review, where review can be obtained, how review is accomplished, and, finally, what review consists of, in terms of both the grounds for invalidity and the type of relief which is available?

The purpose of judicial review is to check and balance the power of administrative agencies; more specifically, (1) to confine agency action within the limits of authority granted by the Legislature and within constitutional limits, and (2) to prompt an agency out of a failure to act when the Legislature has required an

agency to act. The purpose of judicial review is not to merely substitute a court for the agency head. Within the limits of agency authority and required action, the agency has discretion to make rules, interpret statutes, make policy, make orders in adjudicative cases, and to undertake other legitimate action. Courts are to become involved in agency action only when an agency exceeds the limits, and only then to the extent necessary to confine the agency to its limits.

#### 65 COMMENT

This section establishes one exclusive method for judicial review. The section has been modified in response to comments received to make clear that the rules of civil procedure apply where they are consistent with provisions of the statute. Earlier drafts contained a subsection providing that other laws would supersede this Act to the extent that their provisions afforded a greater measure of relief. In response to criticism that the language was vague, unnecessary, and would lead to confusion, the subsection was deleted and replaced by the present subsection (3). Its purpose is to deal with those situations where de novo review is statutorily authorized. For example, other statutes currently allow judicial review de novo on the record by a jury of appeals of workers' compensation orders of the board of industrial appeals. Also, other statutes currently allow judicial review de novo of orders of the board of tax appeals which result from "informal" proceedings under those statutes.

#### 66 COMMENT

This section creates a right of judicial review of agency action.

#### 67 COMMENT

The original version of this section provided that review of final action would be conducted in the Court of Appeals rather than in the Superior Courts. The theoretical justification for the use of the Court of Appeals was that judicial review was, after all, an appellate proceeding, consisting of a review of a record compiled elsewhere. Thus in the federal system, most review of administrative action takes place in the Court of Appeals, not the District Courts, and many states provide for similar appellate court reviews.

There were complications however. Among them was the concern that the Superior Courts are more conveniently located than the Court of Appeals and that the Superior Court in Thurston county is now experienced at agency review. A more fundamental concern has to do with the workload of the Court of Appeals. The 1981 Report of the Office of the Court Administrator suggests that of the three levels of courts in our system, the Court of Appeals has the heaviest workload. Even with a disposition rate which is the highest in the Court's history, the rate of pending cases continues to grow. The reason is the increase in Superior Court business, which is the source of all appellate business. That business, in turn, seems destined to grow even further. The result, concludes the administrator: heavy caseload problems for the Court of Appeals in future years.

A number of comments received on the initial draft echoed these concerns. The Legislature concluded that review should remain in the Superior Courts.

The Legislature is of the opinion that appeals from agency action should not be subject to the arbitration procedures of Superior Courts. First, Superior Court review is based upon the written record before the agency and thus there are no witnesses to see and hear and, normally, no facts to find. Second, the issues appealed often will involve public policies which should be subject to review by an elected, full-time public officer, i.e. a judge.

#### 68-70 NO COMMENT

#### 71 COMMENT

This section identifies the persons who are entitled to seek judicial review of administrative action. The law of standing is voluminous and unsettled. The effort here is to channel some of that doctrine within somewhat narrower banks in aid of clarity and predictability. The Task Force is aware that the terms used here to circumscribe the class of plaintiffs are general terms and that much judicial interpretation is left. Nevertheless, the standards stated are much narrower than the

prevailing judicial principles. The existing APA, for example, treats the matter in one phrase, entitling "any person aggrieved" to judicial review. There was no adverse comment on the section. One consequence of this section and section 72, is to limit persons appealing agency failure to act.

#### 72 COMMENT

This section is one of several dealing with the timing of judicial review. Here the focus is on the administrative remedies a petitioner must first exhaust. As is the case with the law of standing, the law of exhaustion is large and inconsistent. The existing statute does not address the question and the effort here is to provide some narrowing of the judicial discretion in the hopes of achieving more clarity and better predictability.

The provision requires that relevant administrative remedies be exhausted before judicial review except in three categories of cases. In earlier drafts, the court would have been permitted to relieve a petitioner of the requirement to exhaust based upon a balance of the harms and the adequacy of administrative remedies. In response to agency comment, however, the Task Force has greatly narrowed the court's discretion. The petitioner must now show that the pursuit of further agency remedies would not affect the agency's action, including failure to act. Alternatively, petitioner must show that postponement of review would cause grave and irreparable harm and have no substantial public benefit. This is a significant change from prior drafts, under which the court, in effect, would have been authorized to balance competing hardships as it does in petitions for temporary restraining orders.

It is the intention of the Legislature that this section set forth in statutory form existing case law. It is not the intention of the Legislature to expand judicial prerogative beyond existing case law. Agency commentators are validly concerned that this provision not be used to bypass agency process. Only in rare situations should a court entertain relief before exhaustion of administrative remedies.

#### 73 COMMENT

This section duplicates the current RCW 34.04.070 (1) and (2) on declaratory judgments on the validity of a rule.

#### 74 COMMENT

This section also relates to timing of judicial review and prescribes the times at which petitions for review must be filed. In general, judicial review of orders must be filed within 30 days while judicial review of rules could occur at any time. In response to agency requests, language has been added to clarify that the agency must be served within the time for filing.

#### 75 COMMENT

This section spells out in detail what has to be contained in a petition for review. The model act commentaries suggest that the section might serve as a guide to unrepresented persons who wish to seek judicial review and also might facilitate review itself by insuring that appropriate material is before the court. One comment on this section inquired about whether responsive pleadings were either permitted or required. The present APA does not address the question except in its provision that the agency shall certify the record to the court within 30 days of the time of the filing of the petition. A similar provision occurs in this proposal at section 80, discussed below.

#### 76 COMMENT

This section regularizes judicially developed law concerning the granting of stays while judicial review is pending. The section authorizes the agency to grant a stay on appropriate terms.

Provisions in earlier drafts allowing the court to grant unspecified temporary remedies, have been deleted in response to comments. The court now has only three options: Reversal, denial of the stay, or granting of the stay on appropriate terms.

The existing APA does not provide for agency stays unless they are authorized in other statutes, but it does provide for agency stays in that circumstance. One

commentator suggested that agency stays were superfluous and that judicial stays were adequate. A limited provision for agency stays of the kind contained in the draft would be useful. Agency stays are common with federal agencies.

The section provides that the agency can stay its action when necessary because of a substantial threat to the public health or safety. In such a case, a court may not overturn the agency action unless the four stated conditions are present. These four elements come from the Virginia Petroleum Jobbers case (259 F.2d 921 (D.C. Circuit, 1958)).

Another comment observed that the effect of this section was to introduce some uniformity into the agency treatment of stays. (The comment was intended as a criticism.) It would seem that specifying the criteria for stays and the relationship between administrative and judicial stays are areas where uniformity would be specifically helpful. Finally, there was some criticism of the existing law for having inadequate standards. This section is an effort to meet the needs for more specific standards.

An agency denial of a stay is not judicially reviewable. The remedy of the petitioner is to petition the court for a judicial stay. The court can determine for itself whether or not to grant a stay. Review of the agency denial would be superfluous.

#### 77 COMMENT

This section addresses the court's authority to rule upon new issues raised on judicial review, a matter not addressed by the present statute. In earlier drafts, the court was permitted to rule upon the new issues, under the circumstances stated, without any recourse to further agency deliberation. After consideration of adverse comments, changes were made to allow, and finally, to require, a remand when the stated circumstances are shown to exist.

#### 78 COMMENT

This section insures that the judicial review of agency fact-finding will be confined to the factual record that was present before the agency, as supplemented by any additional evidence permitted under the act.

#### 79 COMMENT

This section deals with taking new evidence during judicial review. Ordinarily, judicial review of agency action will be on the basis of the record compiled before the agency and there is no need for the taking of new evidence at the judicial review stage. However, there will occasionally arise the need for such evidence, and this section is intended to identify those occasions and regulate the kinds of evidence that can be received.

Subsection (1) permits the taking of new evidence that bears on the propriety of the constitution of the decision-making body or upon improper motives or unlawful procedures. The subsection also permits the taking of new evidence generally in cases heard below on an informal basis, i.e., cases not required to be determined on the record.

Subsection (2) authorizes the court to remand to the agency for further evidential development when thought necessary by the court. Comment on this section went essentially to matters of clarity and several modifications in aid of that goal were adopted.

#### 80 COMMENT

This section identifies the contents of the agency record that is to be reviewed. Two matters are of special interest. First, subsection (3) provides that the agency shall charge the petitioner with the costs of preparing transcripts but that a failure by the petitioner to pay does not relieve the agency from their responsibility for preparation and transmittal to the court. This is an alternative provision in the Model Act (1981) that was included by the Task Force on the theory that a fair disposition of the proceeding on the merits is the ultimate goal of judicial review whether or not costs of this sort can be later recovered by the agency. One commentator believed this provision was unwise and that unless the preparation of the transcript is conditioned upon payment of its cost, the cost would rarely be recovered.

A second comment noted that it is the practice of some agencies to transmit the record exclusive of the transcript until a court date is set to save the expense of preparing a transcript in the many cases which are settled before trial. This is a useful practice, and the language of subsection (4) has been modified to include authority for a "shortened record."

#### 81 COMMENT

This section describes the grounds upon which courts can set aside agency action. There is a sense in which this section is central to the entire new APA since it deals with the ultimate relationship between the courts and the administrative agencies.

Subsection (1) states the conventional rule that the burden of proof is on the party seeking review.

Subsection (2) requires that the court deal fully with all issues upon which the court's decision is based, although it does not require a court to respond to every argument raised in the petition.

Subsection (3) states the grounds for granting judicial relief. Subsection (3)(g) originally authorized the court to strike down agency action that was "motivated by an improper purpose." This was a difficult provision. On the one hand, improperly motivated agency action should be subject to full judicial review. On the other hand, authorizing motivation as a criterion might invite voluminous attacks on agency action. Moreover, resolving questions of motive might require the sort of examination of agency states of mind that would be destructive of the integrity of the agency decisional process. The Legislature explicitly identified these problems and invited commentators to address them. As expected, several people objected to any inquiry into agency motivation, on the grounds that it was irrelevant, or dangerous. The Legislature, though still regarding the question as a close one, concluded to proceed with the general thrust of the proposal. The provision was modified in response to comments received to focus on the more objective relationship of reasons to authority, rather than the more subjective matter of motive. Note that had this provision been eliminated, something of the same sort could have been obtained under the authority granted in subsection (3)(k) below to set aside agency action that is "arbitrary or capricious." The preference for subsection (3)(g) is based on the thought that if a court is going to inquire into such matters, perhaps explicit authority to do so would be useful.

Subsection (3)(h) deals with the scope of review of agency determinations of fact. Essentially, the draft adopts the "substantial evidence" rule which appears in the federal Administrative Procedure Act and in the Model Act (1981). The test is also used by appellate courts in reviewing trial courts. The substantial evidence test provides that an agency finding of fact is to be upheld by a court on review if there is evidence in the record from which a reasoning mind could have arrived at the findings. The draft as formulated clearly provides that in making this assessment of the factual adequacy of the order, the record is to be viewed as a whole.

This test is regarded as a somewhat deferential test, since the judge is not to set aside an agency finding merely because he or she might have drawn a different conclusion from the evidence; even in that case, the judge is to affirm the agency if it is possible to say that a reasonable person could have reached the conclusion the agency reached.

The original Washington act used the substantial evidence test, but was amended in 1967 to substitute the "clear error" test. The difference between these tests is not well understood, but most commentators believe that the clear error test provides for a little more intensive judicial review than does the substantial evidence test. That seems to have been the intent of the 1967 amendment to the Washington act since the proponents of the change were urging that courts take more responsibility for the factual adequacy of agency findings.

It is not possible to say with assurance whether the Washington courts have interpreted the amended Washington act with this shading in mind. But in one of the court's latest discussions of the matter (*Franklin County v. Sellers*, 97 Wn.2d 317 (1982)), it is clear that the Washington court regards a certain deference to agency fact-finding appropriate. Since that is the result of the substantial evidence test,

and since the test is widely understood in the federal and many state settings, the test seemed appropriate.

The act permits the use of the substantial evidence test in any factual areas where a court finds it helpful.

Subsections (3)(i) and (3)(j) deal with the scope of judicial review for matters other than strictly legal questions, applications of statutory terms, and questions of fact. These sections are more elaborate than the existing Washington statute, but probably do not add any new components to the ordinary kind of judicial review now available. They serve rather (as is common with many sections of the act) to codify existing judicial practice in aid of clarity and predictability.

Subsection (3)(i) authorizes the court to strike agency adjudications that are inconsistent with agency rules. Subsection (3)(j) authorizes the court to set aside agency adjudications that are inconsistent with prior agency decisions in like cases, except where the agency has explained the inconsistency and provided some rational basis for it. Subsection (3)(k) authorizes the court to strike any agency action that is arbitrary or capricious, a standard that exists in the present Washington act.

A comment suggested that subsection (3) (h), (i), and (j) would put too great a burden on agencies with high-volume caseloads and that we would be better off just to stick with subsection (3)(k), with its arbitrary and capricious standard. As indicated above, the provisions of subsection (3)(h), (i), and (j), do now represent the better judicial practice in judicial review and spelling those principles out seemed helpful for the purpose of clarity and consistency. It is not intended that they add any new burdens to agencies. For example, subsection (3)(j) requires an agency to decide cases consistently with prior like cases unless some explanation for a change in policy is made. That seems to be consistent with the judicial practice both at the federal (688 F.2d 1185 (11th Cir., 1982); 655 F.2d 1210 (D.C. Circuit, 1981)) and at the state level (see 28 Wn. App. 399 (1981)).

#### 82 COMMENT

This section specifies the kinds of relief which the court can provide. Language contained in earlier drafts, which gave the court broad discretion to fashion remedies in accordance with the exigencies of the situation, has been deleted in response to strong agency objection. However, the court's power to modify an agency decision without remand has been retained in those cases where to do otherwise would be impracticable or unduly prolong the receipt of relief.

#### 83 COMMENT

This section provides for civil enforcement of agency rules or orders.

#### 84 COMMENT

This section authorizes private parties to seek enforcement of agency orders under very limited conditions. Those conditions include limits on who may bring such petitions and on the timing of the petitions. The section is drafted with substantial respect for the agency's enforcement discretion. Essentially, under subsection (3), the plaintiff must demonstrate that the discretion is being abused before a court will enforce agency action at a private party's request. Perhaps the most significant limitation on judicial authority to order agencies to enforce actions is that the authority extends only to agency orders and not to rules. There was some discussion of broadening this section to authorize private parties to seek enforcement of agency rules, but it was decided to leave the section as it is.

One change was made in response to the comment which pointed out that the act as originally submitted authorized an action if the agency was found to be in violation of any of the grounds stated in section 81(3). This includes action that is inconsistent with prior action. The result of this language is to freeze agency enforcement philosophy so that it would be difficult to change. Rather than impose such a drag on possible modification of an agency's enforcement views, the section was amended to include only the more general standard of section 81(3)(k), namely the arbitrary and capricious standard.

85 COMMENT

This section identifies the kinds of issues that can be raised by a defendant in resisting agency enforcement. In the absence of special statutory provisions, it would seem that the validity of an agency action is a condition of judicial authority to enforce the action. Hence, the issue of the order's legality could be raised in defense in a judicial proceeding to enforce the agency's order. On the other hand, when there is a statutory provision for direct judicial review of the agency action, some courts have concluded that defenses could not be raised in enforcement proceedings. This result seems especially likely where the authority for judicial review is said to be "exclusive." 310 F.2d 417 (5th Circuit, 1962). Some federal statutory provisions (The Federal Trade Commission Act, 15 U.S.C. 45(c), 45(g)) provide that upon expiration of the time allowed for filing a review petition, the agency's order "shall be final." Many federal review systems are patterned after this model. The result is that a defendant who does not seek direct judicial review of an order may not attack the order in subsequent enforcement proceedings.

The original draft provided that any of the grounds of section 81 may be raised by way of defense in an enforcement proceeding. Some objections were received, expressing the view that enforcement should be a summary process and that those with legal objections to the agency order should seek review directly rather than ignoring the order and waiting for an enforcement proceeding.

The draft was amended in response to this comment to limit defenses to issues of constitutionality and/or jurisdiction.

86-87 NO COMMENTPART VI.  
TECHNICAL PROVISIONS88-92 COMMENT

These sections are matters of detail which occasioned no comment.

## SECOND READING

SENATE BILL NO. 5115, by Senators Bender, Peterson, Owen, McDermott, Kreidler, Newhouse, Vognild, Bauer, Saling, DeJarnatt, Stratton, Barr, Lee, Garrett, Rasmussen, Moore, Johnson and Deccio

Requiring motor vehicle liability insurance.

## MOTIONS

On motion of Senator Bender, Substitute Senate Bill No. 5115 was substituted for Senate Bill No. 5115 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bender, the rules were suspended, Substitute Senate Bill No. 5115 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5115.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5115 and the bill passed the Senate by the following vote: Yeas, 49.

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

SUBSTITUTE SENATE BILL NO. 5115, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5233, by Senators Halsan, Talmadge, Lee and Moore

Permitting courts to require ignition interlocks on alcohol offenders' cars.

## MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 5233 was substituted for Senate Bill No. 5233 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 5223 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5233.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5233 and the bill passed the Senate by the following vote: Yeas, 49.

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

SUBSTITUTE SENATE BILL NO. 5233, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5326, by Senators Garrett, Johnson, Peterson, Lee, Tanner, Warnke, Williams, Kiskaddon and Bauer (by request of Joint Select Committee on Disability Employment and Economic Participation)

Creating the Washington disability training and placement coordination council.

## MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 5326 was substituted for Senate Bill No. 5326 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Warnke, the rules were suspended, Substitute Senate Bill No. 5326 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5326.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5326 and the bill passed the Senate by the following vote: Yeas, 49.

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

SUBSTITUTE SENATE BILL NO. 5326, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5334, by Senators Bauer, Conner, Stratton, Kiskaddon, Owen, Warnke, McCaslin, Metcalf, Benitz and Nelson

Authorizing the transportation of private school students on public school buses.

## MOTIONS

On motion of Senator Bauer, Substitute Senate Bill No. 5334 was substituted for Senate Bill No. 5334 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bauer, the rules were suspended, Substitute Senate Bill No. 5334 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5334

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5334 and the bill passed the Senate by the following vote: Yeas, 44; nays, 4; absent, 1.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senators Barr, Craswell, Kreidler, Saling - 4.

Absent: Senator Benitz - 1.

SUBSTITUTE SENATE BILL NO. 5334, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5404, by Senators Wojahn, Stratton, Nelson, Halsan, Rasmussen and Moore

Regulating care provided in the home to ill, infirm, or disabled persons.

## MOTIONS

On motion of Senator Wojahn, Substitute Senate Bill No. 5404 was substituted for Senate Bill No. 5404 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Wojahn, the rules were suspended, Substitute Senate Bill No. 5404 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5404.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5404 and the bill passed the Senate by the following vote: Yeas, 49.

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

SUBSTITUTE SENATE BILL NO. 5404, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Cherberg assumed the chair.

## MOTION

On motion of Senator Vognilid, the Senate commenced consideration of Senate Bill No. 6048.

## SECOND READING

SENATE BILL NO. 6048, by Senators Talmadge, Nelson, Newhouse, McCaslin, Moore and Bottiger

Revising provisions on civil actions and liabilities.

## MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 6048 was substituted for Senate Bill No. 6048 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 6048 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Metcalf: "Senator Talmadge, I'm not an attorney and I don't know what the words mean when it says, 'It is a complete defense to an action for damages for personal injury or wrongful death'—I am reading on page 25 of the bill—'if the person injured or killed was under the influence of intoxicating liquor.' What does it mean when it says, 'a complete defense?'"

Senator Talmadge: "Senator, that is meant to indicate that the defense can plead that as an affirmative defense that would exonerate them from any liability to the plaintiff."

Senator Metcalf: "So, if you're intoxicated at the time you cause injury, or death, you can use that as a defense? I'm reading on page 25, Section 1001, Part X."

Senator Talmadge: "Senator, in response to that question, specifically, it requires that such intoxication be the proximate cause of the injury or death and that the trier of fact, find that the person was more than fifty percent at fault. This is a rewriting of the intoxication defense that was present in the 1986 Act. You might recall in the debate on this issue that we placed the fifty percent provision in the area relating to proximate cause. Some of us argued out here on the floor that proximate cause can't be anything less than zero or one-hundred percent. It's either or. What was intended by the drafters of the section relating to intoxication was that if the intoxication was more than fifty percent of the fault, then a complete defense to the plaintiff's claim was present. That's what this particular section makes clear. It's simply a rewriting to make clear and to make, I think, proper what was done by the last Legislature in its Tort Reform Act."

Senator Metcalf: "Okay, in other words, we are not changing the wording about complete defense, we are just changing and adding, 'at the time of the occurrence causing the injury or death.' You know as a non-lawyer, I don't really understand why we're saying, and maybe I'm wrong, why we are saying, 'if you are intoxicated, you have some sort of a defense for what you did.' It seems to me, you should be punished for what you did and in addition maybe, get something for being drunk."

Senator Talmadge: "Senator, you've got the wrong person. A complete defense is what's available to the defendant who is being sued by the drunk. So, if you were someone who went to a tavern, for example, and consumed a dozen beers and went out on the highway and because of your intoxication, ran into someone else and you then sued someone else, the person who was sued would be entitled to raise the defense and say, 'You can't recover, because you were drunk.'"

Senator Metcalf: "Okay. Thank you very much. That answers my question."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 6048.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 6048 and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Decchio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen,

Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Voting nay: Senator Pullen - 1.

SUBSTITUTE SENATE BILL NO. 6048, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5428, by Senators Warnke, Sellar and Garrett

Raising amount over which cities are required to call for competitive bids.

The bill was read the second time.

#### MOTION

Senator Barr moved that the following amendments by Senators Barr, Zimmerman, Hansen and Conner be considered simultaneously and adopted:

On page 1, line 9, after "second" strike "~~((or third class city or any town))~~" and insert "class city"

On page 1, line 13, after "dollars." insert "Any third class city or any town may construct any public work or improvement by contract or day labor without calling for bids therefor whenever the estimated cost of the work or improvement, including cost of materials, supplies and equipment will not exceed the sum of thirty thousand dollars."

On page 1, line 15, after "dollars." insert "or thirty thousand dollars for third class cities or towns."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senators Barr, Zimmerman, Hansen and Conner.

The motion by Senator Barr failed and the amendments were not adopted on a rising vote.

#### MOTION

Senator Bluechel moved that the following amendment be adopted:

On page 3, line 18, after "between" strike "~~((two thousand and four))~~ seven thousand five hundred and fifteen" and insert "two thousand ~~((and four))~~"

#### MOTION

On motion of Senator Vognild, and there being no objection, further consideration of Senate Bill No. 5428 was deferred.

#### MOTION

On motion of Senator Vognild, the Senate commenced consideration of Senate Bill No. 5225.

#### SECOND READING

SENATE BILL NO. 5225, by Senators Gaspard, Rinehart, Warnke, von Reichbauer and Vognild

Modifying collective bargaining procedures at community colleges.

#### MOTIONS

On motion of Senator Gaspard, Substitute Senate Bill No. 5225 was substituted for Senate Bill No. 5225 and the substitute bill was placed on second reading and read the second time.

Senator Metcalf moved that the following amendment be adopted:

On page 2, line 28, after "pay" strike the remainder of the subsection through "representative" on line 30 and insert:

"a representation fee equivalent to the employee's proportional share of the actual costs incurred by the exclusive bargaining representative in grievance procedures and in representing the employees in the collective bargaining process. The representation fee shall include only those costs directly and specifically incurred in grievance procedures or collective bargaining and shall not include political contributions or membership fees in other organizations not directly involved in the collective bargaining process"

Debate ensued.

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

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

#### ROLL CALL

The Secretary called the roll and the motion by Senator Metcalf failed and the amendment was not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, von Reichbauer, West, Zimmerman - 24.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Moore, Owen, Peterson, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 25.

#### MOTIONS

Senator McDonald moved that the following amendment by Senators McDonald and Saling be adopted:

On page 7, beginning on line 31, strike all material down to and including "strike." on line 33 and insert the following:

"NEW SECTION, Sec. 12. A new section is added to chapter 28B.52 RCW to read as follows:

The right of community college faculty to engage in any strike, work slowdown or stoppage is prohibited. Where an organization, recognized as the bargaining representative of community college faculty subject to this chapter, willfully disobeys a lawful order of enforcement by a superior court or willfully offers resistance to such order, whether by strike or otherwise, the punishment for each day that such contempt persists, may be a fine fixed in the discretion of the court, payable by each striking employee, in an amount not to exceed two hundred fifty dollars per day per striking employee. Where an employer willfully disobeys a lawful order of enforcement by a superior court or willfully offers resistance to such order, the punishment for each day that such contempt persists may be a fine, fixed at the discretion of the court in an amount not to exceed five thousand dollars per day to be assessed against the employer."

Senator Owen moved that the following amendment by Senators Owen and Stratton to the amendment be adopted:

On page 1, beginning on line 14 of the amendment by Senators McDonald and Saling, strike all material down to and including "employer." on page 2, line 2.

Debate ensued.

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

Further debate on the amendment to the amendment ensued.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Owen and Stratton to the amendment by Senators McDonald and Saling.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Owen carried and the amendment to the amendment was adopted by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, Lee, McDermott, Moore, Owen, Peterson, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 25.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, West, Zimmerman - 24.

The President declared the question before the Senate to be adoption of the amendment by Senators McDonald and Saling, as amended.

The amendment by Senators McDonald and Saling was adopted, as amended.

#### MOTION

On motion of Senator McDonald, the following amendment by Senators McDonald and Gaspard was adopted:

On page 3, line 13, after "party," insert the following: "A negotiated agreement shall not be executed until the biennial appropriation made by the legislature has been distributed to the community college campuses by the state board for community college education."

## POINT OF INQUIRY

Senator McDonald: "Senator Owen, in adopting your amendment to my amendment, was it your intent to have penalties assessed in the event of a strike?"

Senator Owen: "My amendment was in no way intended to have the court not consider penalties. I definitely did not mean for the amendment to imply that. I do expect that the court would assess penalties, but I feel they should assess them as they deem appropriate and if, in fact, it would be more than what was in your amendment and the court deemed that appropriate, then I think that's what it should be."

## MOTION

On motion of Senator Gaspard, the rules were suspended, Engrossed Substitute Senate Bill No. 5225 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Zimmerman: "Senator Gaspard, could you be a little more explicit on how this bill will really make an impact on students in the community colleges?"

Senator Gaspard: "Well, I'll try. That is a rather wide open question. Under the Meet and Confer Law, it can be interpreted--you can sit down and have a cup of coffee and that would satisfy the requirements of law and need go no further with your employer organizations, or you can have some good faith bargaining that many schools now do. This will put collective bargaining, in good faith, on the statutes and will require the two parties to come together, in good faith, to agree mutually, on the terms and conditions that are allowed under collective bargaining. I think we will set some certainty that students will know that both sides are talking and that both sides can reach agreement."

Senator Zimmerman: "Senator Gaspard, that's going to help them in terms of their educational process, according to what you are saying. Can you tell us, do you have an idea of how many new potential members do we have then in WEA from this bill?"

Senator Gaspard: "Senator Zimmerman, I have not concerned myself with those type of issues. I have no idea."

Senator Zimmerman: "Would you be able to tell how many new trustees have been appointed to the community colleges in the last three years?"

Senator Gaspard: "Senator Zimmerman, we have, if I remember correctly, twenty-three community college districts and if you'd like me to give that information to you, how many have been appointed in the last three years, I'll be glad to do it. I certainly don't know that off the top of my head."

Senator Zimmerman: "I don't mean to put you on the spot in that regard, but I would be appreciative of that material at some point for historical purposes. Thank you."

## POINT OF INQUIRY

Senator Cantu: "Senator Gaspard, I am trying to get clarification on Section 5 which deals with the section on binding arbitration. Traditionally, one excludes interest items from binding arbitration on bills such as this. Now, the bill states that it applies to 'interpretation or application, including, but not limited to.' Now when we say 'including, but not limited,' that opens a great deal. My question specifically, Senator Gaspard, is binding arbitration applicable to interest items under this bill--items dealing with money, salaries, those types of things--traditionally what most people refer to as interest arbitration, items that deal with money?"

Senator Gaspard: "I believe that would be my interpretation."

Senator Cantu: "My concern is that we are putting ourselves in the hands of a third party then if we have interest arbitration on wages. My question is, are we putting ourselves into the hands of a third party then to grant monies above and beyond maybe what is appropriated by the Legislature? I am not sure that it's clear in my mind how Section 5, if it applies to money, is going to be interpreted."

Senator Gaspard: "Senator Cantu, I've looked at this very carefully. As a matter of fact, I stepped out to check with staff. What is your definition of interest issues, I don't read that in the language here, then, no."

#### POINT OF INQUIRY

Senator Deccio: "Senator Gaspard, you indicated that you didn't concern yourself with the dues enhancement with the WEA. Do you agree that the passage of this bill would greatly enhance the dues collecting ability through new memberships by the WEA?"

Senator Gaspard: "Senator Deccio, I have no way of knowing that and I don't think that should be considered as a reason to go for or against this bill. If you'd like to use those types of arguments on the floor to support or to oppose a bill, then I suggest you do it, rather than trying to enter the question and answer period into the journal."

Senator Deccio: "Senator Gaspard, I don't want to impugn your motives, but I do feel you are probably being a little naive when you don't recognize the fact that the WEA has other motives other than just trying to do something better for education. I have been on a community college board for seven and one-half years and I think that the tools that have been in place since that time have done very well on the part of the teaching staff."

"As far as having the broad support of all the people that you indicated in the groups, I've done some checking myself and I find that the State Board for Community College Education is split on this issue, that it does not have the unanimous support of its President and I've checked with a couple of my trustees in Yakima and they were hardly aware of the fact that this bill even exists. I guess it's going to pass, but in its passing I think all of you need to be reminded--to use an old cliché--'this is the nose in the tent.' Down the road you are going to see that the original purpose of this bill, which was to include four year institutions, will be added somewhere down the line. That didn't pass last year, didn't pass the year before, but with the passage of this bill, it will sometime come to that conclusion."

Senator Gaspard: "Mr. President, in order to again respond to Senator Deccio's question, there are other employee organizations other than the Washington Education Association. I might also point out again, that this agreed bill was reached through an agreement by the State Board for Community Colleges, the employee organizations and also there is a task force that involved two presidents and two trustees. I am surprised you are making the remarks you are about the camel under the tent."

Senator Deccio: "Mr. President, if I may, I guess the difference between us, Senator Gaspard, I am not being naive on the subject, but with that, I am certainly going to vote against this bill."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5225.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5225 and the bill passed the Senate by the following vote: Yeas, 26; nays, 23.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, Lee, McDermott, Moore, Owen, Peterson, Rinehart, Strithman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 26.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, McCaslin, McDonald, Metcalfe, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, West, Zimmerman - 23.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5225, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Bill No. 5428 and the pending amendment by Senator Bluechel on page 3, line 18, deferred earlier today.

## MOTION

On motion of Senator Bluechel, and there being no objection, the amendment was withdrawn.

## MOTION

On motion of Senator Warnke, the rules were suspended, Senate Bill No. 5428 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5428.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5428 and the bill passed the Senate by the following vote: Yeas, 49.

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

SENATE BILL NO. 5428, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Bender, Senator McDermott was excused.

## SECOND READING

SENATE BILL NO. 5463, by Senators Fleming, von Reichbauer, Hansen, Gaspard, Smitherman, Rinehart, McDermott, Bauer, Vognild, Rasmussen and Moore

Establishing a program to increase students' awareness of other nations.

The bill was read the second time.

## MOTIONS

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

On page 2, line 30, after "curriculum" strike "and" and insert "or"

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

On page 3, line 3, after "community," insert "exchange students and students who have participated in exchange programs."

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

On page 3, line 8, after "January 1," strike "1987" and insert "1988"

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

On page 2, line 22, after "international" insert "education"

On motion of Senator Gaspard, the rules were suspended, Engrossed Senate Bill No. 5463 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Pullen: "Senator Craswell, did I understand you to say that you offered an amendment in committee that would have precluded the teaching of unpatriotic subject matter and that amendment was defeated in committee?"

Senator Craswell: "Yes, that's right. I just have to believe that those who are promoting the bill agree that they should be allowed to teach unpatriotic material."

## POINT OF INQUIRY

Senator Saling: "Senator Fleming, is there a cost to this bill?"

Senator Fleming: "Yes, there is a cost to the bill."

Senator Saling: "What is the amount?"

Senator Fleming: "My understanding at this time, the Superintendent of Public Instruction already has in his budget something like \$95,000 or \$100,000. The total of the program as it is drawn up is supposed to be in the neighborhood of \$290,000 or something of that nature. My understanding is that--we hope this bill, as it goes through the process, will be considered one of the more important pieces of education that will come out this session. If this body feels as though that this is as important as many other things, then we will fund it to a certain level. If this body feels they don't, then this body will probably fund it only at the level that they feel it should be."

Senator Saling: "Thank you, Senator. Did you say the Superintendent had about \$80,000 or \$90,000 now?"

Senator Fleming: "I think in his proposed budget for the upcoming biennium--"

Senator Saling: "I see a \$295,000 figure here. Is that part of the bill?"

Senator Fleming: "The \$295,000 is a part of the bill and a part of that \$295,000 would be a part of that; that's in the Superintendent's budget."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5463.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5463 and the bill passed the Senate by the following vote: Yeas, 25; nays, 23; excused, 1.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kiskaddon, Kreidler, Moore, Peterson, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognlid, von Reichbauer, Warnke, Williams, Wojahn - 25.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Cantu, Craswell, Deccio, Hayner, Johnson, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, West, Zimmerman - 23.

Excused: Senator McDermott - 1.

ENGROSSED SENATE BILL NO. 5463, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5443, by Senator Barr

Changing procedures for appeals of actions on state-owned aquatic lands.

## MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 5443 was substituted for Senate Bill No. 5443 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the rules were suspended, Substitute Senate Bill No. 5443 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5443.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5443 and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

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

Voting nay: Senators DeJarnatt, McCaslin - 2.

Excused: Senator McDermott - 1.

SUBSTITUTE SENATE BILL NO. 5443, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTIONS

On motion of Senator Zimmerman, Senators McCaslin and Patterson were excused.

#### SECOND READING

SENATE BILL NO. 5515, by Senators Warnke, Cantu and Moore (by request of Department of Licensing)

Revising vessel dealer registration.

#### MOTIONS

On motion of Senator Warnke, Second Substitute Senate Bill No. 5515 was substituted for Senate Bill No. 5515 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Warnke, the rules were suspended, Second Substitute Senate Bill No. 5515 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Deccio: "Senator Warnke, the last licensing bill that I voted for caused me some real problems with one of my clients in Yakima who was in the leasing business. He was denied a license by the Department of Licensing because he did not have a showroom. Now, I know there are a lot of people who are in the boat leasing business. How would this apply to them in the same situation? Excuse me, the problem existed when they repossessed vehicles they had on lease."

Senator Warnke: "I don't believe this bill speaks to the lease. This bill speaks to though—that the dealer must have an office. It does not say that he must have a display area because, obviously, many of the boats are on the water. One of the problems they have found over the last year with the present act is that dealers, once they are licensed, are given dealer decals. When they stick those on the boats and sell the boats, there are a lot of boats running around with dealer decals on them that are not licensed and not paying any license fees. That is one of the main things this bill is after."

Senator Deccio: "Could I safely say for the record then that this will not be the intent of this legislation to deny a license for those people who are in the leasing business?"

Senator Warnke: "That is certainly not my intent, Senator."

#### POINT OF INQUIRY

Senator Nelson: "Senator Warnke, I can't find in here exactly what the \$314,000 that is the appropriation of this measure is going to be used for by the Department of Licensing. Could you explain what the \$314,000 is for?"

Senator Warnke: "We have listed all the rates in the fiscal note that is available to you, if you want me to give one to you. On the expenditures, the bill was originally \$322,000 and was worked back down to \$314,000 for decals, employee support, communications, printing, DP services, legal services, travel, inspectors going out, obviously, employee office equipment, a personal computer for the additional people that are coming in—2.3 FTEs, a clerk typist—three of them, a hearings examiner—two of them, staff required to implement this bill, 2.3 vehicle service investigators. I would be glad to give you a copy of the fiscal note, if you would like."

Senator Nelson: "Mr. President, members of the Senate. I know when we first established the boating excise tax it was the intent that the boaters, and I am now assuming, the dealers would carry the expense of the implementation of the act. I am not sure, although I've read in the analysis that apparently we are going to catch up here somewhere along the line, where the fees paid by the dealers are supposed to reimburse this amount. The thing that concerns me is, I can't imagine

why we're not having the fees set at a level at the initiation of the act to carry on the support that's now been described to the body for the need of the FTEs, and the computers, and the inspections, and the other action of this measure.

"I am concerned about that from the standpoint of cross subsidizing, taking money out of the general fund or whatever is going to be the case. In fact, as I read this bill, that is exactly what it is, removing \$314,000 from the general fund to get the thing kicked off and I'm not so sure when we pay it back."

Senator Warnke: "Senator, in the bill the Department is directed to make it self-sustaining to raise the required fees, so they are not taking money out of the general fund."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Second Substitute Senate Bill No. 5515.

#### ROLL CALL

The Secretary called the roll on final passage of Second Substitute Senate Bill No. 5515 and the bill passed the Senate by the following vote: Yeas, 31; nays, 13; absent, 2; excused, 3.

Voting yea: Senators Bailey, Bauer, Bender, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, Moore, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, West, Williams, Wojahn - 31.

Voting nay: Senators Anderson, Barr, Benitz, Bluechel, Craswell, Kiskaddon, McDonald, Nelson, Pullen, Saling, Sellar, von Reichbauer, Zimmerman - 13.

Absent: Senators Lee, Metcalf - 2.

Excused: Senators McCaslin, McDermott, Patterson - 3.

SECOND SUBSTITUTE SENATE BILL NO. 5515, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTIONS

On motion of Senator Bender, Senator Garrett was excused.

#### SECOND READING

SENATE BILL NO. 5530, by Senator Fleming

Expanding the duties of the office of small business.

#### MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 5530 was substituted for Senate Bill No. 5530 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Warnke, the rules were suspended, Substitute Senate Bill No. 5530 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5530.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5530 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

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

Excused: Senators Garrett, McCaslin, McDermott, Patterson - 4.

SUBSTITUTE SENATE BILL NO. 5530, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Bender, Senator Warnke was excused.

## SECOND READING

SENATE BILL NO. 5552, by Senators Bailey, Bender, Nelson and Johnson  
Providing standards for appointment of chief law enforcement officers.

## MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 5552 was substituted for Senate Bill No. 5552 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 5552 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5552.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5552 and the bill passed the Senate by the following vote: Yeas, 42; nays, 2; excused, 5.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vogtild, von Reichbauer, West, Williams, Wajahn, Zimmerman - 42.

Voting nay: Senators Barr, Pullen - 2.

Excused: Senators Garrett, McCaslin, McDermott, Patterson, Warnke - 5.

SUBSTITUTE SENATE BILL NO. 5552, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Bender, Senator Moore was excused.

## SECOND READING

SENATE BILL NO. 5654, by Senators Talmadge, Moore, Bottiger, Deccio, Nelson and Rasmussen (by request of Department of Corrections)

Revising provisions relating to criminal sentencing.

## MOTIONS

On motion of Senator Talmadge, Second Substitute Senate Bill No. 5654 was substituted for Senate Bill No. 5654 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Second Substitute Senate Bill No. 5654 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Second Substitute Senate Bill No. 5654.

## ROLL CALL

The Secretary called the roll on final passage of Second Substitute Senate Bill No. 5654 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

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

Excused: Senators McCaslin, McDermott, Moore, Patterson, Warnke - 5.

SECOND SUBSTITUTE SENATE BILL NO. 5654, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

## MESSAGES FROM THE HOUSE

March 12, 1987

MR. PRESIDENT:

The Speaker has signed SUBSTITTUTE SENATE BILL NO. 5022, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 11, 1987

MR. PRESIDENT:

The House has passed:  
 SUBSTITUTE HOUSE BILL NO. 7,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 80,  
 SUBSTITUTE HOUSE BILL NO. 238,  
 SUBSTITUTE HOUSE BILL NO. 281,  
 ENGROSSED HOUSE BILL NO. 326,  
 SUBSTITUTE HOUSE BILL NO. 332,  
 ENGROSSED HOUSE BILL NO. 396,  
 SUBSTITUTE HOUSE BILL NO. 400,  
 HOUSE BILL NO. 406,  
 SUBSTITUTE HOUSE BILL NO. 458,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 498,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 543,  
 SUBSTITUTE HOUSE BILL NO. 805,  
 HOUSE BILL NO. 883,  
 SUBSTITUTE HOUSE BILL NO. 1012,  
 HOUSE BILL NO. 1031,  
 SUBSTITUTE HOUSE BILL NO. 1053,  
 HOUSE BILL NO. 1199,  
 HOUSE JOINT RESOLUTION NO. 4212, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

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

## INTRODUCTION AND FIRST READING

\*SB 6029 by Senators Talmadge, Moore and Kiskaddon

AN ACT Relating to insurance and health care services; amending RCW 18.53.010, 18.53.140, and 69.41.010; adding a new section to chapter 18.53 RCW; and creating a new section.

Referred to Committee on Human Services and Corrections.

EDITOR'S NOTE: \*SB 6029 introduced on March 2, 1987, and held on desk.

SB 6068 by Senator Pullen

AN ACT Relating to the rights of victims; and amending RCW 7.69.030.

Referred to Committee on Human Services and Corrections.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 7 by Committee on Commerce and Labor (originally sponsored by Representatives Wang and Patrick)

Modifying provisions relating to regulation of professions.

Referred to Committee on Commerce and Labor.

ESHB 80 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Zellinsky, Locke, Winsley, Lux, Crane, Chandler, Holland, Belcher, Betzoff, Lewis and Dellwo) (by request of Attorney General)

Regulating mortgage brokers.

Referred to Committee on Financial Institutions.

- SHB 238** by Committee on Local Government (originally sponsored by Representatives Cooper, Allen, Rust, Haugen, Nutley, Unsoeld and Lux)  
Revising provisions on solid waste management.  
Referred to Committee on Parks and Ecology.
- SHB 281** by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Ballard, Lux and Miller)  
Restricting insurance cancellations and nonrenewals.  
Referred to Committee on Financial Institutions.
- EHB 326** by Representatives Grant, Nealey, Kremen, Bristow, McLean, Rayburn, Braddock, Rasmussen, Madsen, Prince, Holm and Miller  
Requiring two and one-half percent of the department of ecology's appropriation from the water quality account to be transferred to the state conservation commission.  
Referred to Committee on Agriculture.
- SHB 332** by Committee on Environmental Affairs (originally sponsored by Representatives Valle, Allen, Crane, May, Rayburn, Rust, Sprengle, Unsoeld and Lux)  
Requiring the department of ecology to implement and operate a waste exchange.  
Referred to Committee on Parks and Ecology.
- EHB 396** by Representatives Cantwell, Walk, K. Wilson, Meyers, Heavey, P. King and Todd  
Authorizing counties and cities to establish transportation benefit districts.  
Referred to Committee on Transportation.
- SHB 400** by Committee on Commerce and Labor (originally sponsored by Representatives Wang, R. King, Patrick, Chandler, Cole and Winsley) (by request of Joint Select Committee on Industrial Insurance and Department of Labor and Industries)  
Changing rates for industrial insurance disability benefits.  
Referred to Committee on Commerce and Labor.
- HB 406** by Representatives Sayan, Patrick, H. Sommers, Holland, Grimm, Belcher, Wang and Hine  
Revising provisions on retirement service credit for members of committees, boards and commissions.  
Referred to Committee on Ways and Means.
- SHB 458** by Committee on Energy and Utilities (originally sponsored by Representatives Todd, Barnes, Nelson, Schmidt and Jacobsen)  
Extending the moratorium on mandatory local measured telecommunications service.  
Referred to Committee on Energy and Utilities.
- ESHB 498** by Committee on Commerce and Labor (originally sponsored by Representatives Sayan, Patrick, Wang, Winsley, Fisch, Day, Walker, Vekich, R. King and Dellwo)  
Changing provisions relating to collective bargaining for fire fighters and emergency medical personnel.  
Referred to Committee on Commerce and Labor.

ESHB 543 by Committee on Agriculture and Rural Development (originally sponsored by Madsen, Fisch, Miller, Rasmussen, Baugher, Doty, Spanel, Brooks and Nealey)

Providing procedures to investigate and remedy complaints regarding pollution from nonpoint agricultural activity.

Referred to Committee on Agriculture.

SHB 805 by Committee on Education (originally sponsored by Representatives Taylor, Ebersole, Brough, Haugen, B. Williams, H. Sommers, Sanders, Leonard, Betrozoff, Ballard, Bristow, May, Locke, Braddock, Peery, Walker, Padden, D. Sommers, Amondson, Schoon, L. Smith, Bumgarner and Miller)

Limiting the availability of state matching funds for school plant construction under certain circumstances.

Referred to Committee on Education.

HB 883 by Representatives Crane, Armstrong, Wineberry and Baugher

Authorizing damage and costs awards for invalid vehicle impoundment.

Referred to Committee on Transportation.

SHB 1012 by Committee on Local Government (originally sponsored by Representatives Hargrove and Fisch)

Changing provisions relating to the annexation of areas by public utility districts.

Referred to Committee on Energy and Utilities.

HB 1031 by Representatives L. Smith and Bumgarner

Requiring licenses for professional salmon fishing guides.

Referred to Committee on Natural Resources.

SHB 1053 by Committee on Local Government (originally sponsored by Representatives Rasmussen, Madsen, Walker, Hine, Meyers and Grimm)

Requiring a conditional use permit for an incinerator or landfill in unincorporated areas.

Referred to Committee on Parks and Ecology.

HB 1199 by Representative P. King

Designating appropriate individuals to receive service of process.

Referred to Committee on Judiciary.

HJR 4212 by Representatives Fisher, S. Wilson, Fisch, Pruitt, Amondson, Barnes, Leonard, Sanders, K. Wilson, Haugen, Patrick, Ballard, Silver, Grimm, Brooks, Madsen, Walk, Rayburn, Belcher, Nelson, O'Brien, Sazan, Armstrong, Crane, McMullen, Nutley, Chandler, Schmidt, Betrozoff, J. Williams, Walker, Gallagher, Zellinsky, Nealey, Allen, Winsley, Miller, Hankins, Hine, Brough, C. Smith, Lux, Meyers, Taylor, May and Ferguson

Lengthening legislative terms.

Referred to Committee on Governmental Operations.

#### MOTION

At 9:48 p.m., on motion of Senator Vognild, the Senate adjourned until 9:00 a.m., Friday, March 13, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## SIXTY-FIRST DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Friday, March 13, 1987

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bailey, McDermott and Peterson. On motion of Senator Bender, Senators McDermott and Peterson were excused. On motion of Senator Zimmerman, Senator Bailey was excused.

The Sergeant at Arms Color Guard, consisting of Pages Melanie Kitchel and Andy Thomas, presented the Colors. Reverend Ronald R. Long, senior pastor of the Church of Living Water of Olympia, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

March 12, 1987

SHB 98 Prime Sponsor, Committee on Judiciary: Revising state liability for injuries or damages resulting from national guard activities. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; McCaslin, Moore, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

#### GUBERNATORIAL APPOINTMENT

March 12, 1987

GA 9023 RUTH BECK, appointed February 13, 1986, for a term ending December 31, 1990, as a member of the Public Disclosure Commission. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Moore, Nelson, Newhouse

Passed to Committee on Rules.

#### MESSAGE FROM THE HOUSE

March 12, 1987

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 116,

ENGROSSED HOUSE BILL NO. 157,

HOUSE BILL NO. 194,

SUBSTITUTE HOUSE BILL NO. 226,

SUBSTITUTE HOUSE BILL NO. 244,

HOUSE BILL NO. 294,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 296,

SUBSTITUTE HOUSE BILL NO. 347,

SUBSTITUTE HOUSE BILL NO. 391,

ENGROSSED SUBSTITTUTE HOUSE BILL NO. 465,

SUBSTITUTE HOUSE BILL NO. 473,

HOUSE BILL NO. 474,

SUBSTITUTE HOUSE BILL NO. 508,

SUBSTITUTE HOUSE BILL NO. 522,

HOUSE BILL NO. 549,

HOUSE BILL NO. 555,  
 HOUSE BILL NO. 577,  
 SUBSTITUTE HOUSE BILL NO. 585,  
 SUBSTITUTE HOUSE BILL NO. 601,  
 SUBSTITUTE HOUSE BILL NO. 614,  
 SUBSTITUTE HOUSE BILL NO. 622,  
 SUBSTITUTE HOUSE BILL NO. 624,  
 HOUSE BILL NO. 629,  
 SUBSTITUTE HOUSE BILL NO. 630,  
 SUBSTITUTE HOUSE BILL NO. 653,  
 SUBSTITUTE HOUSE BILL NO. 656,  
 SUBSTITUTE HOUSE BILL NO. 657,  
 HOUSE BILL NO. 658,  
 HOUSE BILL NO. 663,  
 SUBSTITUTE HOUSE BILL NO. 669,  
 HOUSE BILL NO. 671,  
 SUBSTITUTE HOUSE BILL NO. 697,  
 HOUSE BILL NO. 698,  
 HOUSE BILL NO. 699,  
 ENGROSSED HOUSE BILL NO. 701,  
 SUBSTITUTE HOUSE BILL NO. 750,  
 HOUSE BILL NO. 753,  
 SUBSTITUTE HOUSE BILL NO. 773,  
 SUBSTITUTE HOUSE BILL NO. 777,  
 SUBSTITUTE HOUSE BILL NO. 790,  
 ENGROSSED HOUSE BILL NO. 814,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 931, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### INTRODUCTION AND FIRST READING

SCR 8413 by Senators Metcalf, Warnke, Vognild and Nelson

Establishing the joint select committee on labor-management relations.

Referred to Committee on Commerce and Labor.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 116 by Committee on Local Government (originally sponsored by Representatives Nutley, Allen, Haugen, May, Ferguson, Bristow, Rayburn and Brough)

Modifying procedures for administrative approval of plats.

Referred to Committee on Governmental Operations.

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

Eliminating department discretion in authorizing release of relevant medical information concerning industrial insurance claimants.

Referred to Committee on Commerce and Labor.

HB 194 by Representatives Madsen, Ebersole, Haugen, Winsley, Wang, Walker, Walk, Fisher, Gallagher, Brough, Crane, Grimm, Pruitt, Meyers, Rasmussen and Todd

Changing provision relating to designation of park district treasurers.

Referred to Committee on Governmental Operations.

SHB 226 by Committee on Commerce and Labor (originally sponsored by Representatives Lux, Ebersole and McMullen)

Authorizing collective bargaining for judicial employees.

Referred to Committee on Commerce and Labor.

SHB 244 by Committee on Constitution, Elections and Ethics (originally sponsored by Madsen, Walker, Fisch, May, Holm, Brough and Todd)

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

Referred to Committee on Judiciary.

HB 294 by Representatives Heavey, Padden, Armstrong and Kremen (by request of Department of Licensing)

Eliminating hearings in certain drivers' license suspensions.

Referred to Committee on Transportation.

ESHB 296 by Committee on Local Government (originally sponsored by Representatives Haugen, Brough, Cooper, P. King and Hine)

Extending the local governance study commission.

Referred to Committee on Governmental Operations.

SHB 347 by Committee on Transportation (originally sponsored by Representatives Baugher, Schmidt, Walk, S. Wilson and Meyers)

Modifying payment provisions on motor vehicle and special fuel taxes.

Referred to Committee on Transportation.

SHB 391 by Committee on Judiciary (originally sponsored by Representatives Heavey, Padden, Appelwick, Schmidt and Dellwo)

Changing provisions relating to deeds of trust.

Referred to Committee on Judiciary.

ESHB 465 by Committee on Commerce and Labor (originally sponsored by Representatives Wang, Patrick and Sayan) (by request of Department of Labor and Industries)

Changing provisions relating to wage claims.

Referred to Committee on Commerce and Labor.

SHB 473 by Committee on Commerce and Labor (originally sponsored by Representatives Lux, Cole, Jacobsen, R. King, Todd and Allen)

Requiring security measures for franchise employees on duty between 11 p.m. and 6 a.m.

Referred to Committee on Commerce and Labor.

HB 474 by Representative R. King

Revising provisions on liquor licenses.

Referred to Committee on Commerce and Labor.

SHB 508 by Committee on Judiciary (originally sponsored by Representatives Holland, Zellinsky, Winsley, Nutley, Beck, Lux, Chandler, Prince, Betrozoff, Crane, Silver and Jesernig)

Establishing crimes involving access devices.

Referred to Committee on Judiciary.

SHB 522 by Committee on Natural Resources (originally sponsored by Representatives Meyers, Sutherland, S. Wilson and C. Smith)

Modifying purposes for which state land may be exchanged.

Referred to Committee on Natural Resources.

HB 549 by Representatives Belcher, H. Sommers, Allen, Sayan, Locke, J. Williams, Betrozoff, Unsoeld and May (by request of Washington Centennial Commission)

Authorizing a deputy executive secretary of the Washington centennial commission.

Referred to Committee on Governmental Operations.

HB 555 by Representatives Wineberry, Locke and Patrick

Authorizing writ of mandamus where permit to use public property denied when a right protected by the 1st and 14th Amendments to the U.S. Const. or by Art. I, §3 of the Wash. Const. is involved.

Referred to Committee on Judiciary.

HB 577 by Representatives Hankins, H. Sommers, Miller, Barnes, Gallagher, Brooks, S. Wilson, Madsen, Jesernig, May, Grant, Walk, Patrick, Vekich, Taylor, Sprenkle and Winsley

Requiring certain state publications to be distributed through the state publications distribution center.

Referred to Committee on Governmental Operations.

SHB 585 by Committee on Transportation (originally sponsored by Representatives Nutley, Peery, Sutherland, Cooper, L. Smith, Walk and P. King)

Clarifying residency and nonresidency status for vehicle registration purposes.

Referred to Committee on Transportation.

SHB 601 by Committee on Judiciary (originally sponsored by Representatives Day, Dellwo, D. Sommers, Silver, Padden, Taylor and Nealey)

Prohibiting failure to pay for use of public accommodations.

Referred to Committee on Judiciary.

SHB 614 by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Fisher, Madsen, Miller, Fisch, Crane and Unsoeld)

Revising laws on absentee voters.

Referred to Committee on Judiciary.

SHB 622 by Committee on Financial Institutions and Insurance (originally sponsored by Lux, Chandler, Crane, Winsley, Day, Dellwo, Todd, Valle, Sayan, Basich, R. King, Pruitt, Unsoeld and Betrozoff)

Requiring financial institutions to reduce delay between check deposits and fund availability.

Referred to Committee on Financial Institutions.

SHB 624 by Committee on Transportation (originally sponsored by Representatives Haugen, Schmidt, Zellinsky, Gallagher, Meyers and J. Williams)

Revising qualifications of pilots.

Referred to Committee on Transportation.

HB 629 by Representatives Fisch, Schmidt, Zellinsky, Gallagher, Haugen and J. Williams

Expanding the board's authority over pilot discipline.

Referred to Committee on Transportation.

SHB 630 by Committee on Transportation (originally sponsored by Representatives Zellinsky, Schmidt, Gallagher and Haugen)

Revising certain pilotage requirements.

Referred to Committee on Transportation.

SHB 653 by Committee on Commerce and Labor (originally sponsored by Representatives Patrick, Fisch and Wang) (by request of Employment Security Department)

Changing procedures and penalties related to unemployment compensation overpayments.

Referred to Committee on Commerce and Labor.

SHB 656 by Committee on Ways and Means/Appropriations (originally sponsored by Representatives Cole, Patrick, Wang, Sayan, Holm and Todd) (by request of Employment Security Department)

Establishing program and funding for services for the unemployed.

Referred to Committee on Commerce and Labor.

SHB 657 by Committee on Constitution, Elections and Ethics (originally sponsored by 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.

Referred to Committee on Governmental Operations.

HB 658 by Representatives Appelwick, Sanders, P. King and May

Prescribing a nonnotarized filing form for precinct committeeman.

Referred to Committee on Judiciary.

HB 663 by Representatives Dellwo and Armstrong

Making breath alcohol testing laws consistent.

Referred to Committee on Judiciary.

SHB 669 by Committee on Local Government (originally sponsored by Representatives Zellinsky, Schmidt, Walk, Hargrove, C. Smith, Jacobsen, Fisch, Kremen, Fisher, Vekich, Hine, Gallagher, Scott, Haugen, Nutley, Beck, Bumgarner, Nealey, Ferguson, Hankins, Day, Dellwo, Meyers, S. Wilson, Basich, Patrick, Jesernig, P. King, May, Grant, Winsley and Betrozoff)

Authorizing law enforcement agencies to donate unclaimed bicycles to charitable organizations.

Referred to Committee on Governmental Operations.

HB 671 by Representatives Madsen, Winsley and Fisch

Revising provisions on the placement of new construction on the assessment rolls.

Referred to Committee on Governmental Operations.

SHB 697 by Committee on Health Care (originally sponsored by Representatives Cantwell, Brooks, Braddock, Sprenkle, Lux, P. King and Doty) (by request of Department of Social and Health Services)

Revising provisions on long-term care ombudsmen.

Referred to Committee on Human Services and Corrections.

- HB 698 by Representatives Nutley, Ferguson, Madsen and S. Wilson  
 Authorizing collection by county treasurers of various local government charges.  
 Referred to Committee on Governmental Operations.
- HB 699 by Representatives Brooks, Sprenkle, Moyer, Niemi, Meyers, Hine, Jesernig, P. King and May  
 Providing limited licenses to practice medicine to visiting teachers, researchers, or fellowship holders.  
 Referred to Committee on Human Services and Corrections.
- EHB 701 by Representatives Patrick, Gallagher, Brough, Baugher, Schmidt, S. Wilson, Fisch, Dellwo and Walk  
 Requiring survival kits on aircraft.  
 Referred to Committee on Transportation.
- SHB 750 by Committee on Commerce and Labor (originally sponsored by Representatives Cole, Patrick and Fisher) (by request of Department of Labor and Industries)  
 Changing provisions relating to farm contractors' security bonds.  
 Referred to Committee on Commerce and Labor.
- HB 753 by Representatives Locke, Padden, Armstrong and Scott (by request of Sentencing Guidelines Commission)  
 Classifying criminal mistreatment for sentencing purposes.  
 Referred to Committee on Judiciary.
- SHB 773 by Committee on Constitution, Elections and Ethics (originally sponsored by Holm, Nealey, Haugen, Barnes, Holland, Dellwo, Jesernig, P. King, Winsley and Betzoff)  
 Allowing county auditors to investigate and cancel invalid voter registration.  
 Referred to Committee on Judiciary.
- SHB 777 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Lux, Zellinsky, Dellwo, Nutley, Day, Meyers, Chandler, Leonard, Locke, K. Wilson, Taylor, Lewis, Cole, Rasmussen, Sprenkle, Madsen, May, Rayburn and Jesernig)  
 Prohibiting provision in insurance policies which condition benefits on an insured being admitted for over three days to the hospital.  
 Referred to Committee on Financial Institutions.
- SHB 790 by Committee on Judiciary (originally sponsored by Representatives Crane, Wineberry, P. King and Winsley)  
 Strengthening the laws regulating timeshares.  
 Referred to Committee on Judiciary.
- EHB 814 by Representatives Lewis, Braddock, Brooks, Bumgarner, O'Brien, J. Williams, Patrick, S. Wilson, L. Smith, Winsley, Ballard, Nealey, Valle, Amondson, Kremen, Moyer, Padden and Schoon  
 Requiring notification when a person dies from an infectious or communicable disease.  
 Referred to Committee on Human Services and Corrections.

ESHB 931 by Committee on Health Care (originally sponsored by Representatives Leonard, Padden, Braddock, Day, Hine, Lewis, Appelwick and Sprengle)

Regulating the possession and distribution of legend drug samples.

Referred to Committee on Human Services and Corrections.

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

#### SECOND READING

SENATE BILL NO. 5627, by Senators Gaspard, Saling, Bauer, Bender, Smitherman and von Reichbauer (by request of Superintendent of Public Instruction)

Establishing the state clearinghouse for educational information revolving fund.

The bill was read the second time.

#### MOTION

On motion of Senator Gaspard, the rules were suspended, Senate Bill No. 5627 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5627.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5627 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

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

Excused: Senators Bailey, McDermott, Peterson - 3.

SENATE BILL NO. 5627, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5936, by Senators Rasmussen, Newhouse, Talmadge, Kiskaddon, Vogtild, Lee and Halsan

Prohibiting contingent-fee lobbying contracts.

The bill was read the second time.

#### MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 5936 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Warnke: "Senator Talmadge, would this bill affect any of those contracts that may be in existence now?"

Senator Talmadge: "No, Senator Warnke. Constitutionally, we could not pass legislation that would impair existing contracts, but it would ban such contracts in the future."

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5936.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5936 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

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

Absent: Senator Hayner - 1.

Excused: Senators Bailey, Peterson - 2.

SENATE BILL NO. 5936, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTIONS

On motion of Senator Bender, Senator Stratton was excused.

On motion of Senator Zimmerman, Senator Hayner was excused.

#### SECOND READING

SENATE BILL NO. 5779, by Senators Vognild, Bender, Sellar, Wojahn, McCaslin, Metcalf, Rasmussen, Zimmerman and Garrett

Regulating vehicle mechanical breakdown insurers.

#### MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 5779 was substituted for Senate Bill No. 5779 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Moore, the rules were suspended, Substitute Senate Bill No. 5779 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Deccio: "Senator Vognild, will this take care of the problem when your car breaks down two days after the warranty runs out?"

Senator Vognild: "No, Senator. That's an engineering feat that they manage to put in back in Detroit."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5779.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5799 and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; excused, 4.

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

Voting nay: Senator Sellar - 1.

Excused: Senators Bailey, Hayner, Peterson, Stratton - 4.

SUBSTITUTE SENATE BILL NO. 5779, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Bender, Senator Hansen was excused.

#### SECOND READING

SENATE BILL NO. 5814, by Senator Warnke

Relating to mobile homes.

#### MOTIONS

On motion of Senator Smitherman, Substitute Senate Bill No. 5814 was substituted for Senate Bill No. 5814 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Moore, the rules were suspended, Substitute Senate Bill No. 5814 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5814.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5814 and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; excused, 5.

Voting yea: Senators Anderson, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senator Barr - 1.

Excused: Senators Bailey, Hansen, Hayner, Peterson, Stratton - 5.

SUBSTITUTE SENATE BILL NO. 5814, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5838, by Senators McDermott, Talmadge, Warnke, Wojahn, Smitherman and Bailey

Regulating sales of health studio memberships.

#### MOTION

On motion of Senator Smitherman, Substitute Senate Bill No. 5838 was substituted for Senate Bill No. 5838 and the substitute bill was placed on second reading and read the second time.

#### MOTION

On motion of Senator Vognild, further consideration of Substitute Senate Bill No. 5838 was deferred.

#### SECOND READING

SENATE BILL NO. 5845, by Senators Owen, Anderson, Kreidler, Smitherman and Warnke

Revising provisions on forest practices.

#### MOTIONS

On motion of Senator DeJarnatt, Second Substitute Senate Bill No. 5845 was substituted for Senate Bill No. 5845 and the second substitute bill was placed on second reading and read the second time.

Senator Barr moved that the following amendment be adopted:

On page 2, beginning on line 18, strike all material down to and including "this act." on page 3, line 19

Renumber the remaining sections consecutively.

Debate ensued.

#### POINT OF INQUIRY

Senator Patterson: "Senator Owen, I notice that after this bill arrived over at Ways and Means--we had cut the original appropriation from six million to three and we felt like we were really going overboard to do that. Then it gets to Ways and Means and the total appropriation is eliminated, as I understand. You know, we are talking about policy now and a policy that cannot be backed up with the dollars to do it. I am concerned. I think the section that you are referring to here that is being amended is the key to the dollars. In other words, the need for dollars. Can you respond to me on what value we will have in the state of Washington if we pass this legislation without an appropriation?"

Senator Owen: "That is a very good question, Senator Patterson, because without the appropriation, there will be no bill. The bill may pass, but you won't be able to implement it. It would be impossible to do so, in my mind, and I think you

recognize that also. In the Ways and Means Committee, many bills come out this way that originally had an appropriation on them and the idea was that as we were dealing with the budget, we would determine what that appropriation should be and put it in there.

"I happen to concur with you that we, as a policy body--the Natural Resources Committee--should be able to make those determinations and should be able to have them supported in the Ways and Means Committee. It turned out to be a policy and a regular practice towards the end of the cut-off to delete the appropriations and deal with it directly in the budget, so there is intention to deal directly with it in the budget. If it's not, nothing will happen with this bill, because they won't be able to do anything with the bill."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Barr.

The motion by Senator Barr failed and the amendment was not adopted.

#### MOTION

On motion of Senator Owen, the rules were suspended, Second Substitute Senate Bill No. 5845 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Second Substitute Senate Bill No. 5845.

#### ROLL CALL

The Secretary called the roll on final passage of Second Substitute Senate Bill No. 5845 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

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

Excused: Senators Bailey, Stratton - 2.

SECOND SUBSTITUTE SENATE BILL NO. 5845, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5846, by Senators Kreidler and Bluechel

Establishing boating safety regulations.

#### MOTIONS

On motion of Senator Kreidler, Substitute Senate Bill No. 5846 was substituted for Senate Bill No. 5846 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kreidler, the rules were suspended, Substitute Senate Bill No. 5846 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Patterson: "Senator Kreidler, I am confused by the summary which indicates that you eliminated the general fund appropriation by eliminating some safety programs and then on the next page--an appropriation of 1.9 million from the general fund." I am confused as to whether there is an appropriation or not."

Senator Kreidler: "Senator Patterson, if you would take a look--I take it back--I was quickly going to point out that if you would take a look at the effects of the substitute, the need for general fund appropriation is eliminated. Evidently, that printing of the appropriation referenced the initial draft, but as you can see from the effects of the proposed substitute which was adopted, it carries no funding responsibility."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5846.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5846 and the bill passed the Senate by the following vote: Yeas, 33; nays, 13; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bauer, Bender, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, Nelson, Owen, Patterson, Peterson, Rinehart, Saling, Sellar, Smitherman, Talmadge, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 33.

Voting nay: Senators Barr, Benitz, Cantu, Craswell, Hansen, Hayner, McDonald, Metcalf, Newhouse, Pullen, Rasmussen, Tanner, West - 13.

Absent: Senator Moore - 1.

Excused: Senators Bailey, Stratton - 2.

SUBSTITUTE SENATE BILL NO. 5846, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5863, by Senators Warnke, Garrett and Rasmussen

Prohibiting the refusal or expulsion of mobile homes from a mobile home park because of the age of the mobile home.

The bill was read the second time.

#### MOTIONS

On motion of Senator Smitherman, the following Committee on Commerce and Labor amendment was adopted:

On page 2, line 14, after "age" insert ", Nothing in this subsection shall limit a landlords' right to exclude or expel a mobile home, for any other reason"

#### MOTION

On motion of Senator Smitherman, the rules were suspended, Engrossed Senate Bill No. 5853 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Bender, Senators Moore and Talmadge were excused.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5863.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5863 and the bill passed the Senate by the following vote: Yeas, 43; nays, 2; excused, 4.

Voting yea: Senators Anderson, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senators McCaslin, Tanner - 2.

Excused: Senators Bailey, Moore, Stratton, Talmadge - 4.

ENGROSSED SENATE BILL NO. 5863, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5978, by Senators Bottiger, Kreidler and Vognilid

Prohibiting the use of tributyltin in paints.

## MOTIONS

On motion of Senator Kreidler, Substitute Senate Bill No. 5978 was substituted for Senate Bill No. 5978 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kreidler, the rules were suspended, Substitute Senate Bill No. 5978 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5978.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5978 and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Anderson, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Decchio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Absent: Senator Benitz - 1.

Excused: Senators Bailey, Moore, Stratton, Talmadge - 4.

SUBSTITUTE SENATE BILL NO. 5978, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5986, by Senators Conner, Kreidler, Johnson, Bauer, Garrett, Peterson, DeJarnatt, Bottiger, Metcalf, Wojahn and Craswell

Studying methods of oil spill damage assessment.

## MOTIONS

On motion of Senator Kreidler, Second Substitute Senate Bill No. 5986 was substituted for Senate Bill No. 5986 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Kreidler, the rules were suspended, Second Substitute Senate Bill No. 5986 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Anderson: "Senator Conner, in reading this bill, Section 2 calls for a facility conducting ship refueling and bunkering operations or the lightering of petroleum products shall have containment and recovery equipment readily available. Would the co-op that they have between the Anacortes and Bellingham refineries—the co-op suffice for this equipment or do they need to have that equipment on site?"

Senator Conner: "Well, in the oil spill we had in Port Angeles, we didn't have any wind for about four days and so we had a lot of fog and there wasn't a wind to be blowing that oil to the east or to the west, but it did come ashore in the area. It took some time for them to bring the equipment up from California and it took several days to get the equipment over from Anacortes and up into the Bellingham area. We had the oil industry people working on this along with the Department of Ecology and there was the feeling that we needed to be looking at this and trying to do something about it, because it does take a considerable amount of time to bring that equipment from Anacortes or Bellingham to the Port Angeles area when you have an oil spill."

Further debate ensued.

## POINT OF INQUIRY

Senator Bottiger: "Senator Anderson, did they also tell you that in four foot waves their equipment won't work at all?"

Senator Anderson: "No, they didn't mention when they can use their equipment."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Second Substitute Senate Bill No. 5986.

#### ROLL CALL

The Secretary called the roll on final passage of Second Substitute Senate Bill No. 5986 and the bill passed the Senate by the following vote: Yeas, 32; nays, 13; excused, 4.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McDermott, Metcalf, Nelson, Owen, Peterson, Rasmussen, Rinehart, Smitherman, Tanner, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 32.

Voting nay: Senators Anderson, Barr, Benitz, Deccio, Hayner, McCaslin, McDonald, Newhouse, Patterson, Pullen, Saling, Sellar, West - 13.

Excused: Senators Bailey, Moore, Stratton, Talmadge - 4.

SECOND SUBSTITUTE SENATE BILL NO. 5986, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 10:37, on motion of Senator Vognild, the Senate was declared to be at ease. The Senate was called to order at 11:41 a.m. by President Cherberg.

#### SECOND READING

SENATE BILL NO. 5956, by Senators West, Stratton, Warnke and Bauer

Authorizing counties bordering Idaho to impose an excise tax on nonresidents working in Washington state.

The bill was read the second time.

#### MOTION

On motion of Senator Warnke, the rules were suspended, Senate Bill No. 5956 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5956.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5956 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

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

Excused: Senators Moore, Talmadge - 2.

SENATE BILL NO. 5956, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Zimmerman, Senator Benitz was excused.

#### SECOND READING

SENATE JOINT MEMORIAL NO. 8012, by Senators West, Stratton, Warnke and McCaslin

Requesting Congress to change tax laws affecting employees of common carriers who cross state lines.

## MOTIONS

On motion of Senator Warnke, Substitute Senate Joint Memorial No. 8012 was substituted for Senate Joint Memorial No. 8012 and the substitute memorial was placed on second reading and read the second time.

On motion of Senator Warnke, the rules were suspended, Substitute Senate Joint Memorial No. 8012 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Joint Memorial No. 8012.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Joint Memorial No. 8012 and the memorial passed the Senate by the following vote: Yeas, 46; excused, 3.

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

Excused: Senators Benitz, Moore, Talmadge - 3.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8012, having received the constitutional majority, was declared passed.

## SECOND READING

SENATE JOINT MEMORIAL NO. 8013, by Senators West, Stratton, Warnke, McCaslin and Bauer

Requesting Idaho to exempt certain nonresident employees of common carriers from its state income tax.

## MOTIONS

On motion of Senator Warnke, Substitute Senate Joint Memorial No. 8013 was substituted for Senate Joint Memorial No. 8013 and the substitute memorial was placed on second reading and read the second time.

On motion of Senator Warnke, the rules were suspended, Substitute Senate Joint Memorial No. 8013 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Joint Memorial No. 8013.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Joint Memorial No. 8013 and the memorial passed the Senate by the following vote: Yeas, 46; excused, 3.

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

Excused: Senators Benitz, Moore, Talmadge - 3.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8013, having received the constitutional majority, was declared passed.

## SECOND READING

SENATE BILL NO. 5821, by Senators Rinehart, Patterson, Gaspard, Saling and Anderson

Continuing reciprocal tuition and fee programs.

The bill was read the second time.

## MOTION

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

On page 1, after line 18, insert the following:

"Sec. 2. Section 4, chapter 166, Laws of 1983 as amended by section 76, chapter 370, Laws of 1985 and RCW 28B.15.756 are each amended to read as follows:

The boards of trustees of The Evergreen State College and the regional universities, the state board for community college education, and the boards of regents of the University of Washington and Washington State University shall waive the payment of nonresident tuition and fees by residents of the Canadian province of British Columbia, upon completion of and to the extent permitted by an agreement between the higher education coordinating board and appropriate officials and agencies in the Canadian province of British Columbia providing for enrollment opportunities for residents of the state of Washington without payment of tuition or fees in excess of those charged to residents of British Columbia."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senator West moved that the following amendment by Senators West and Stratton be adopted:

On page 1, line 15, after "legislature," insert "After 1988 the higher education coordinating board may not enter into any agreement under this section if the state of Idaho continues to levy a state income tax on Washington citizens who travel through Idaho in the course of their regular employment."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator West and Stratton.

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

## MOTIONS

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

On page 1, line 2 of the title, after "28B.15.754" insert ", 28B.15.756."

On motion of Senator Rinehart, the rules were suspended, Engrossed Senate Bill No. 5821 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5821.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5821 and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Boltiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Nelson, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Tanner, Vognild, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senators Patterson, von Reichbauer - 2.

Excused: Senators Benitz, Moore, Talmadge - 3.

ENGROSSED SENATE BILL NO. 5821, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## STATEMENT FOR THE JOURNAL

March 13, 1987

Due to an unavoidable court date, I was absent for the vote on the following bills. I would have have voted 'aye' on each.

ENGROSSED SENATE BILL NO. 5863,

SUBSTITUTE SENATE BILL NO. 5978,

SECOND SUBSTITUTE SENATE BILL NO. 5986,

SENATE BILL NO. 5956,

ENGROSSED SENATE BILL NO. 5821,

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8012,

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8013.

PHIL TALMADGE, Senator, Thirty-fourth District

## MOTION

At 12:09 a.m., on motion of Senator Vognild, the Senate recessed until 2:00 p.m. The Senate was called to order at 2:00 p.m. by President Cherberg.

## SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8408, by Senators DeJarnatt, Patterson and Hansen

Reducing duplication in trucking regulations and enforcement.

The resolution was read the second time.

## MOTION

On motion of Senator DeJarnatt, the rules were suspended, Senate Concurrent Resolution No. 8408 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Concurrent Resolution No. 8408.

## ROLL CALL

The Secretary called the roll on final passage of Senate Concurrent Resolution No. 8408 and the resolution passed the Senate by the following vote: Yeas, 36; absent, 12; excused, 1.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Hansen, Hayner, Johnson, Kreidler, McDermott, Nelson, Newhouse, Pullen, Rasmussen, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 36.

Absent: Senators Barr, Deccio, Halsan, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Owen, Patterson, Peterson, Rinehart - 12.

Excused: Senator Moore - 1.

SENATE CONCURRENT RESOLUTION NO. 8408, having received the constitutional majority, was declared passed.

## MOTION

On motion of Senator Bender, Senator Peterson was excused.

## SECOND READING

SENATE BILL NO. 6058, by Senator Conner

Providing for elections for annexed territory or service areas of a public utility district.

## MOTIONS

On motion of Senator Williams, Substitute Senate Bill No. 6058 was substituted for Senate Bill No. 6058 and the substitute bill was placed on second reading and read the second time.

Senator Williams moved that the following amendment by Senators Conner and Williams be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 4, chapter 1, Laws of 1931 as last amended by section 37, chapter 126, Laws of 1979 ex. sess. and RCW 54.12.010 are each amended to read as follows:

Within ten days after such election, the county canvassing board shall canvass the returns, and if at such election a majority of the voters voting upon such proposition shall vote in favor of the formation of such district, the canvassing board shall so declare in its canvass of the returns of such election, and such public utility district shall then be and become a municipal corporation of the state of Washington, and the name of such public utility district shall be Public Utility District No. . . . . of . . . . . County. The powers of the public utility district shall be exercised through a commission consisting of three members in three commissioner districts, and five members in five commissioner districts. When the public utility district is coextensive with the limits of such county, then, at the first election of commissioners and until any change shall have been made in the boundaries of public utility district commissioner districts, one public utility district commissioner shall be chosen from each of the three county commissioner districts of the county in which the public utility district is located if the county is not operating under a "Home Rule" charter. When the public utility district comprises only a portion of the county, with boundaries established in accordance with chapter 54.08 RCW, or

when the public utility district is located in a county operating under a "Home Rule" charter, three public utility district commissioner districts, numbered consecutively, having approximately equal population and boundaries, following ward and precinct lines, as far as practicable, shall be described in the petition for the formation of the public utility district, which shall be subject to appropriate change by the county legislative authority if and when they change the boundaries of the proposed public utility district, and one commissioner shall be elected from each of said public utility district commissioner districts. In all five commissioner districts an additional commissioner at large shall be chosen from each of the two at large districts. No person shall be eligible to be elected to the office of public utility district commissioner for a particular district commissioner district unless he is a registered voter of the public utility district commissioner district or at large district from which he is elected.

Except as otherwise provided, the term of office of each public utility district commissioner other than the commissioners at large shall be six years, and the term of each commissioner at large shall be four years. Each term shall be computed in accordance with RCW 29.04.170 following the commissioner's election. One commissioner at large and one commissioner from a commissioner district shall be elected at each general election held in an even-numbered year for the term of four years and six years respectively. All candidates shall be voted upon by the entire public utility district.

When a public utility district is formed, three public utility district commissioners shall be elected at the same election at which the proposition is submitted to the voters as to whether such public utility district shall be formed. If the general election adopting the proposition to create the public utility district was held in an even-numbered year, the commissioner residing in commissioner district number one shall hold office for the term of six years; the commissioner residing in commissioner district number two shall hold office for the term of four years; and the commissioner residing in commissioner district number three shall hold office for the term of two years. If the general election adopting the proposition to create the public utility district was held in an odd-numbered year, the commissioner residing in commissioner district number one shall hold office for the term of five years, the commissioner in district two shall hold office for the term of three years, and the commissioner in district three shall hold office for the term of one year. The commissioners first to be elected as above provided shall hold office from the first day of the month following the commissioners' election and their respective terms of office shall be computed from the first day of January next following the election.

All public utility district commissioners shall hold office until their successors shall have been elected and have qualified and assume office in accordance with RCW 29.04.170. A filing for nomination for public utility district commissioner shall be accompanied by a petition signed by one hundred registered voters of the public utility district which shall be certified by the county auditor to contain the required number of registered voters, and shall otherwise be filed in accord with the requirements of RCW 29.21.060. At the time of filing such nominating petition, the person so nominated shall execute and file a declaration of candidacy subject to the provisions of RCW 29.21.060, as now or hereafter amended. The petition and each page of the petition shall state whether the nomination is for a commissioner from a particular commissioner district or for a commissioner at large and shall state the districts; otherwise it shall be void. A vacancy in the office of public utility district commissioner shall occur by death, resignation, removal, conviction of a felony, nonattendance at meetings of the public utility district commission for a period of sixty days unless excused by the public utility district commission, by any statutory disqualification, or by any permanent disability preventing the proper discharge of his duty. In the event of a vacancy in said office, such vacancy shall be filled at the next general election held in an even-numbered year, the vacancy in the interim to be filled by appointment by the remaining commissioners. If more than one vacancy exists at the same time in a three commissioner district, or more than two in a five commissioner district, a special election shall be called by the county canvassing board upon the request of the remainder, or, that failing, by the county election board, such election to be held not more than forty days after the occurring of such vacancies.

A majority of the persons holding the office of public utility district commissioner at any time shall constitute a quorum of the commission for the transaction of business, and the concurrence of a majority of the persons holding such office at the time shall be necessary and shall be sufficient for the passage of any resolution, but no business shall be transacted, except in usual and ordinary course, unless there are in office at least a majority of the full number of commissioners fixed by law.

The boundaries of the public utility district commissioners' district may be changed only by the public utility district commission, and shall be examined every ten years to determine substantial equality of population, but said boundaries shall not be changed oftener than once in four years, and only when all members of the commission are present. Whenever territory is added to a public utility district under RCW 54.04.035, the boundaries of the public utility commissioners' districts shall be changed to include such additional territory. The proposed change of the boundaries of the public utility district commissioners' district must be made by resolution and after public hearing. Notice of the time of a public hearing thereon shall be published for two weeks prior thereto. Upon a referendum petition signed by ten percent of the qualified

voters of the public utility district being filed with the county auditor, the county legislative authority shall submit such proposed change of boundaries to the voters of the public utility district for their approval or rejection. Such petition must be filed within ninety days after the adoption of resolution of the proposed action. The validity of said petition shall be governed by the provisions of chapter 54.08 RCW.

Sec. 2. Section 1, chapter 101, Laws of 1983 and RCW 54.04.035 are each amended to read as follows:

In addition to other powers authorized in Title 54 RCW, public utility districts may annex territory as provided in this section.

The boundaries of a public utility district may be enlarged and new contiguous territory added pursuant to the procedures for annexation by cities and towns provided in RCW 35.13-.015 through ~~((35-13-166))~~ 35.13.110. The provisions of these sections concerning community municipal corporations, review boards, and comprehensive plans, however, do not apply to public utility district annexations. For purposes of conforming with such procedures, the public utility district is deemed to be the city or town and the board of commissioners is deemed to be the city or town legislative body.

Annexation procedures provided in this section may only be used to annex territory ~~((not located in another public utility district))~~ that is both: (1) Contiguous to the annexing public utility district; and (2) located within the service area of the annexing public utility district. As used in this section, a public utility district's "service area" means those areas ~~whether~~ located within or outside of the annexing public utility district's boundaries that ~~((are))~~ were generally served with electrical energy by the annexing public utility district on January 1, 1987. Such service area may, or may not, ~~((be))~~ have been recognized in an agreement made under chapter 54.48 RCW, but no area may be included within such service area ~~((shall not be provided))~~ that was generally served with electrical energy on January 1, 1987, by another public utility as defined in RCW 54.48.010. An area proposed to be annexed may be located in the same or a different county as the annexing public utility district.

If an area proposed to be annexed is located within the boundaries of another public utility district, annexation may be initiated only upon petition of registered voters residing in the area in accordance with RCW 35.13.020 and adoption by the boards of commissioners of both districts of identical resolutions stating (a) the boundaries of the area to be annexed, (b) a determination that annexation is in the public interest of the residents of the area to be annexed as well as the public interest of their respective districts, (c) approval of annexation by the board, (d) the boundaries of the districts after annexation, (e) the disposition of any assets of the districts in the area to be annexed, (f) the obligations to be assumed by the annexing district, (g) apportionment of election costs, and (h) that voters in the area to be annexed will be advised of lawsuits that may impose liability on the annexed territory and the possible impact of annexation on taxes and utility rates.

If annexation is approved, the area annexed shall cease to be a part of the one public utility district at the same time that it becomes a part of the other district. The annexing public utility district shall assume responsibility for providing the area annexed with the services provided by the other public utility district in the area annexed.

NEW SECTION. Sec. 3. A new section is added to chapter 54.04 RCW to read as follows:

When territory has been added to a public utility district in accordance with RCW 54.04-.035, the supervisor of elections and other officers of the county in which the public utility district first operated shall coordinate elections, the levy and collection of taxes, and other necessary duties with the appropriate county officials of the other county."

Debate ensued.

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

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

#### MOTIONS

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

On page 1, line 1 of the title, after "elections;" strike the remainder of the title and insert "amending RCW 54.12.010 and 54.04.035; and adding a new section to chapter 54.04 RCW."

On motion of Senator Williams, the rules were suspended, Engrossed Substitute Senate Bill No. 6058 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 6058.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 6058 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

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

Absent: Senator Halsan - 1.

Excused: Senator Peterson - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6058, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Bender, Senator Halsan was excused.

#### SECOND READING

SENATE JOINT MEMORIAL NO. 8006, by Senators Hansen, Patterson, Garrett, DeJarnatt, Bender, Tanner, Nelson, West and Smitherman

Petitioning the United States Department of Transportation to develop guidelines for implementing the Motor Carrier Safety Act.

The memorial was read the second time.

#### MOTION

On motion of Senator Hansen, the rules were suspended, Senate Joint Memorial No. 8006 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Joint Memorial No. 8006.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Joint Memorial No. 8006 and the memorial passed the Senate by the following vote: Yeas, 45; nays, 1; absent, 1; excused, 2.

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

Voting nay: Senator Vognlid - 1.

Absent: Senator Johnson - 1.

Excused: Senators Halsan, Peterson - 2.

SENATE JOINT MEMORIAL NO. 8006, having received the constitutional majority, was declared passed.

#### SECOND READING

SENATE JOINT MEMORIAL NO. 8011, by Senators Smitherman, Warnke, Nelson, Benitz, Cantu, Stratton and Owen

Requesting approval of Kern river pipeline project by federal energy regulatory commission.

The memorial was read the second time.

#### MOTION

On motion of Senator Williams, the rules were suspended, Senate Joint Memorial No. 8011 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Joint Memorial No. 8011.

## ROLL CALL

The Secretary called the roll on final passage of Senate Joint Memorial No. 8011 and the memorial passed the Senate by the following vote: Yeas, 44; absent, 3; excused, 2.

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

Absent: Senators McDermott, Patterson, West - 3.

Excused: Senators Halsan, Peterson - 2.

SENATE JOINT MEMORIAL NO. 8011, having received the constitutional majority, was declared passed.

## SECOND READING

SENATE BILL NO. 5076, by Senators Bluechel and Warnke

Establishing a commission on mobile home rental space availability.

The bill was read the second time.

## MOTION

On motion of Senator Warnke, the rules were suspended, Senate Bill No. 5076 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5076.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5076 and the bill passed the Senate by the following vote: Yeas, 41; nays, 5; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, Moore, Nelson, Newhouse, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognil, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 41.

Voting nay: Senators Cantu, Craswell, McDonald, Metcalf, Pullen - 5.

Absent: Senator Benitz - 1.

Excused: Senators Halsan, Peterson - 2.

SENATE BILL NO. 5076, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTIONS

On motion of Senator Bender, Senator Hansen was excused.

On motion of Senator Zimmerman, Senator Sellar was excused.

## SECOND READING

SENATE BILL NO. 5158, by Senator Owen

Establishing a mediation process to settle Indian tribal shellfish harvesting claims and regulating commercial shellfish harvesting.

## MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 5158 was substituted for Senate Bill No. 5158 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the rules were suspended, Substitute Senate Bill No. 5158 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5158.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5158 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

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

Excused: Senators Halsan, Hansen, Peterson, Sellar - 4.

SUBSTITUTE SENATE BILL NO. 5158, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5201, by Senator Halsan (by request of Attorney General)

Revising conflict of interest laws for state employees and officials.

The bill was read the second time.

## MOTION

Senator Talmadge moved that the following Committee on Governmental Operations amendment not be adopted:

On page 3, after line 2, insert the following:

"(7) Subsections (2), (3), (4), (5), and (6) of this section do not apply to former state employees who were required by statute to have been active members of the state bar association and subject to the code of professional responsibility."

Renumber the subsections consecutively.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Talmadge that the Committee on Governmental Operations amendment on page 3, line 2, not be adopted.

The motion by Senator Talmadge carried and the committee amendment was not adopted.

## MOTIONS

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

On page 2, line 6, after "section," insert "This subsection shall not apply to former state employees who were required by statute to have been active members of the state bar association and subject to the code of professional responsibility."

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 5201 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5201.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5201 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

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

Excused: Senators Halsan, Peterson, Sellar - 3.

ENGROSSED SENATE BILL NO. 5201, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5217, by Senators Wojahn, Zimmerman, Kreidler, Fleming, Kiskaddon, Lee and Johnson (by request of Department of Personnel)

Establishing wellness program for state employees.

The bill was read the second time.

## MOTIONS

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

On page 2, line 13, after "all" insert "individually identifiable"

On motion of Senator Wojahn, the rules were suspended, Engrossed Senate Bill No. 5217 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5217.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5217 and the bill passed the Senate by the following vote: Yeas, 38; nays, 8; absent, 1; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Deccio, DeJamatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 38.

Voting nay: Senators Anderson, Barr, Cantu, Craswell, Hayner, McCaslin, McDonald, Metcalf - 8.

Absent: Senator McDermott - 1.

Excused: Senators Peterson, Sellar - 2.

ENGROSSED SENATE BILL NO. 5217, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

## MOTIONS

On motion of Senator Vognild, Senate Bill No. 5303, which was on the second reading calendar, was referred to the Committee on Rules.

On motion of Senator Vognild, Senate Bill No. 5349, which was on the second reading calendar, was referred to the Committee on Rules.

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

## SECOND READING

SENATE BILL NO. 5313, by Senators Kiskaddon, Stratton and Gaspard

Providing programs to promote personal development and self-esteem.

## MOTION

On motion of Senator Bottiger, Substitute Senate Bill No. 5313 was substituted for Senate Bill No. 5313 and the substitute bill was placed on second reading and read the second time.

## MOTION

On motion of Senator Bottiger, further consideration of Substitute Senate Bill No. 5313 was deferred.

## SECOND READING

SENATE BILL NO. 5335, by Senators Halsan, Zimmerman, Garrett and McCaslin  
Changing provisions relating to boundary review boards.

The bill was read the second time.

## MOTION

On motion of Senator Halsan, the rules were suspended, Senate Bill No. 5335 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5335.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5335 and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

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

Voting nay: Senator West - 1.

Excused: Senator Peterson - 1.

SENATE BILL NO. 5335, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5405, by Senators Talmadge, Bluechel, Newhouse, Sellar, Benitz, McDonald and Cantu

Defining "hazardous substance" for purposes of the worker and community right to know act.

## MOTIONS

On motion of Senator Kreidler, Substitute Senate Bill No. 5405 was substituted for Senate Bill No. 5405 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kreidler, the rules were suspended, Substitute Senate Bill No. 5405 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5405.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5405 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

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

Excused: Senator Peterson - 1.

SUBSTITUTE SENATE BILL NO. 5405, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5380, by Senators Gaspard, Saling, Warnke, von Reichbauer, Vognild, Johnson, Bottiger, Conner, Bauer, Stratton, Nelson, Newhouse and Rasmussen

Providing cost-of-living adjustment of retirement benefits.

The bill was read the second time.

## MOTION

On motion of Senator McDermott, the rules were suspended, Senate Bill No. 5380 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5380.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5380 and the bill passed the Senate by the following vote: Yeas, 49.

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

SENATE BILL NO. 5380, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5439, by Senators Owen, Metcalf, Patterson and Stratton

Designating department of natural resources as agency for surveys and maps and creating surveys and maps account in the general fund.

## MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 5439 was substituted for Senate Bill No. 5439 and the substitute bill was placed on second reading and read the second time.

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

On page 4, line 19, after "the" strike everything down to and including "information" on line 20 and insert "~~((maintenance, sale, and distribution of survey records information))~~ activities prescribed in this chapter"

On motion of Senator Owen, the rules were suspended, Engrossed Substitute Senate Bill No. 5439 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5439.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5439 and the bill passed the Senate by the following vote: Yeas, 49.

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5439, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5453, by Senators Tanner, Kreidler, Kiskaddon, Stratton, Anderson, Johnson and Moore (by request of Department of Social and Health Services)

Modifying provisions relating to respite care projects.

## MOTIONS

On motion of Senator Wojahn, Second Substitute Senate Bill No. 5453 was substituted for Senate Bill No. 5453 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Wojahn, the rules were suspended, Second Substitute Senate Bill No. 5453 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Second Substitute Senate Bill No. 5453.

## ROLL CALL

The Secretary called the roll on final passage of Second Substitute Senate Bill No. 5453 and the bill passed the Senate by the following vote: Yeas, 49.

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

SECOND SUBSTITUTE SENATE BILL NO. 5453, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5492, by Senators Bailey and Rasmussen

• Making the open public meetings act apply to nonprofit organizations that administer state funds.

## MOTIONS

On motion of Senator Halsan, Substitute Senate Bill No. 5492 was substituted for Senate Bill No. 5492 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Halsan, the rules were suspended, Substitute Senate Bill No. 5492 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Zimmerman: "Senator Bailey, would you give us a specific example of some particular organization that you feel has abused this inability to be looked at from a standpoint of open meetings?"

Senator Bailey: "Thank you, Senator Zimmerman. I wouldn't want to give a specific name of an organization, but a case that came to my knowledge in the 39th District was one of a group that had public state money and was a nonprofit organization and they were not allowing nonmembers or people to participate in what happened at their meetings during the discussions of the use of state money. We thought that this should be looked into because people should have an opportunity, when they are dealing with state money, to participate or at least listen to what's going on in the meeting and these are closed meetings."

Senator Zimmerman: "Responding in that sense, Senator Bailey, I guess I am concerned as to what this could be doing in terms of the total matter of nonprofit groups that are serving the public. I think the fact that you have—some of you, I am sure have served on nonprofit organizational boards—what I am saying is, there are groups like a group that serves in terms of youth organizations where

they are working with people who have had to be thrown out of their homes and they're now being served by group homes. There are groups of alcoholic nonprofit organizations that, obviously, get government help and I don't know any of these that are not allowing people to come in and sit in and listen to their board meetings. We have never had any problem of that sort when I served on those.

"I was concerned--we don't seem to worry about people's individual money. If we give out welfare money, we don't try to follow that individual money. Those people are allowed to spend it without our scrutiny and I'm concerned a little bit as to the impact we might ultimately get in terms of nonprofit, volunteer memberships on boards and serving. I think there could be abuses maybe as Senator Bailey has alluded to, but I am not sure we want to go into a state law that would require that this--actually it's going to be a study of the committee I guess we will be looking at and maybe that's a lesser degree, but I am concerned about the chilling effect it may have on such organizations and people serving on boards."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5492.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5492 and the bill passed the Senate by the following vote: Yeas, 32; nays, 16; absent, 1.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Conner, Craswell, Fleming, Garrett, Gaspard, Halsan, Hayner, Johnson, Kreidler, Lee, McDermott, McDonald, Moore, Nelson, Peterson, Pullen, Rasmussen, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn - 32.

Voting nay: Senators Barr, Benitz, Bluechel, Bottiger, Cantu, Deccio, DeJarnatt, Kiskaddon, McCaslin, Metcalf, Newhouse, Owen, Patterson, Rinehart, Sellar, Zimmerman - 16.

Absent: Senator Hansen - 1.

SUBSTITUTE SENATE BILL NO. 5492, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5506, by Senators Halsan, Nelson and Talmadge

Conforming statutes to revisions of the Administrative Procedure Act.

#### MOTIONS

On motion of Senator Halsan, Substitute Senate Bill No. 5506 was substituted for Senate Bill No. 5506 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Halsan, the rules were suspended, Substitute Senate Bill No. 5506 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5506.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5506 and the bill passed the Senate by the following vote: Yeas, 49.

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

SUBSTITUTE SENATE BILL NO. 5506, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5533, by Senators DeJarnatt, Bluechel, Owen, Zimmerman, Bottiger, Kiskaddon, Conner, Nelson, Tanner, Moore, Rinehart, Williams and Garrett

Directing the preparation of an ocean resources assessment for Washington.

## MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 5533 was substituted for Senate Bill No. 5533 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McDermott, the following amendment was adopted:  
On page 3, line 16, strike all of NEW SECTION, Sec. 5.

On motion of Senator McDermott, the following title amendments were considered simultaneously and adopted:

On page 1, line 2 of the title, after "assessment;" insert "and"  
On page 1, line 2 of the title, after "sections" strike "; and making an appropriation"

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute Senate Bill No. 5533 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Patterson: "Senator DeJarnatt, the amendment we just adopted stripping out the money, I wonder if you have been in conversation with the Ways and Means Committee as to how much money will be made available to conduct the study? I am concerned, once again as we discussed earlier today, apparently the policy of our committee was that we would like to see four hundred thousand dollars put into that program to at least give it a chance. I just wonder if there is some kind of a commitment or some determination has been made by any member of the Ways and Means Committee as to whether there will actually be any appropriation in the budget to accommodate this act?"

Senator DeJarnatt did not respond.

Senator Rasmussen: "Senator Patterson, as one member of the Ways and Means Committee, when push comes to pull and there are hungry people, they won't be out there in the ocean spending four hundred thousand dollars looking for oil or looking for why we shouldn't. That's just from one member of the Ways and Means Committee--and there are many on the floor. Senator Fleming has poor housing and wants to get housing for the poor, so there are a lot of things to consider."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5533.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5533 and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

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

Absent: Senator McDonald - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5533, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Vognild, the Senate commenced consideration of Senate Bill No. 5854.

## SECOND READING

SENATE BILL NO. 5854, by Senators Kreidler, Moore, Metcalf and Deccio  
Providing for regulation of retirement care communities.

## MOTIONS

On motion of Senator Kreidler, Substitute Senate Bill No. 5854 was substituted for Senate Bill No. 5854 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kreidler, the rules were suspended, Substitute Senate Bill No. 5854 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Nelson: "Senator Kreidler, there is a lot in this bill and I can appreciate all the work that went into it insofar as there's a requirement that within each retirement community now that there be a community council or resident council, I guess we call it. This has to be provided and that also in Section 20 that it now mandates that every retirement community shall offer an opportunity to participate in a group long-care supplemental insurance plan. There are a lot of other obligations in here upon the retirement community management as well as the Insurance Commissioner, so I figured there had to be some requirement for money and I noticed in Section 23, there is an appropriation section, but it's blank and I'd like to have you perhaps offer to the body what is the proposed amount of appropriation that we are now going to be providing to the Department of Social and Health Services to carry out the purposes of this act?"

Senator Kreidler: "Senator Nelson, like many of the bills that have gone through here, that is probably one of the things, potentially, that could have been struck relative to the exact amount--the appropriation section--but leaving it blank accomplishes the same purpose. That would have something that would have to be funded separately through the budget bill as it goes through here, but it would be approximately \$125,000 in that particular range for the coming biennium."

Further debate ensued.

## POINT OF INQUIRY

Senator Zimmerman: "Senator Kreidler, were the retirement centers, were there many of them involved in any sense with this proposal--Westley Gardens, Westley Foundation, Bayview Manor, those kinds of organizations? They were involved? You are saying they were involved to the extent they had an opportunity to work out this bill? You are nodding your head, but I'd really like to have a sound of affirmative that says, 'yes.' I meant simply whether there was the involvement with these organizations that, obviously, they are going to have to raise rates to cover many of these things as Senator Nelson has alluded to."

Senator Kreidler: "Senator Zimmerman, yes, there was a very extensive interim study group that was put together--a task force--as I pointed out, for the State Health Coordinating Council in conjunction with the State Area Agency on Aging, putting together this task force group that studied extensively over the last two years. Involved very extensively with that group, were Chuck Hawley's group which is the nonprofit organization, the benevolent organizations and so forth. He was playing a particularly active role. Believe me all of the groups and organizations involved in the study have had an extensive input and modifications were made time and time again to try to accommodate concerns of one group or another as they expressed them in order to balance this as carefully as possible."

## POINT OF INQUIRY

Senator Rasmussen: "Senator Moore, I was intrigued with this tremendous debt that the Internal Revenue has assessed against somebody and I thought maybe you could explain it. Would you explain that? It doesn't mention that in the bill. I just read it thoroughly."

Senator Moore: "This was one of the things, Senator, that came out in the testimony and they asked for an extra six years in order to pay off the IRS because they will actually be in a deficit position, actuarially for the next six years until they get this bill to the IRS paid off, which, I believe, is three-quarters of a million dollars a year. It goes back a number of years. I am not privy to the details."

## MOTION

On motion of Senator Vognild, further consideration of Substitute Senate Bill No. 5854 was deferred.

## MOTION

At 4:12 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 5:05 p.m. by President Cherberg.

## SECOND READING

SENATE BILL NO. 6012, by Senators McCaslin and Tanner

Revising provisions relating to indecent exposure.

The bill was read the second time.

## MOTIONS

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

On page 1, line 6, after "he" insert "intentionally"

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 6012 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 6012.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 6012 and the bill passed the Senate by the following vote: Yeas, 49.

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

ENGROSSED SENATE BILL NO. 6012, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5280, by Senators Tanner, Deccio, Vognild, Smitherman and Newhouse

Changing procedures relating to appeals of orders of the department of labor and industries.

## MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 5280 was substituted for Senate Bill No. 5280 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Warnke, the rules were suspended, Substitute Senate Bill No. 5280 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Vognild: "Senator Tanner, I am reading the digest here and it seems to indicate that travel expenses and time loss in connection with medical treatment are removed from the law. Is that a correct statement?"

Senator Tanner: "Thank you for the question, Senator Vognild. No, the description in the book is misleading. The original bill actually added to the reimbursement for travel that was allowed to the worker. The substitute bill puts us right back to status quo in current law where we are right now. So, this substitute bill makes no change whatsoever in the travel reimbursement to a worker."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5280.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5280 and the bill passed the Senate by the following vote: Yeas, 39; nays, 10.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Decchio, DeJarnatt, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDermott, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Zimmerman - 39.

Voting nay: Senators Bender, Bottiger, Fleming, Garrett, Gaspard, Halsan, Kreidler, Moore, Williams, Wajahn - 10.

SUBSTITUTE SENATE BILL NO. 5280, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5710, by Senator Tanner

Prohibiting the sale of sawed-off shotguns and rifles.

## MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 5710 was substituted for Senate Bill No. 5710 and the substitute bill was placed on second reading and read the second time.

Senator Bottiger moved that the following amendments by Senators Bottiger and West be considered simultaneously and adopted:

On page 2, after line 8, insert the following:

"(6) 'Exploding bullet' means any projectile which may be fired from a firearm and which contains any explosive, incendiary or chemical substance designed to explode the projectile upon impact."

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

**NEW SECTION, Sec. 4.** A new section is added to chapter 9A1 RCW to read as follows:

It shall be unlawful for any person within this state to sell, offer for sale, possess, or knowingly transport any exploding bullet, except as otherwise provided in this chapter. Violation of this section is a class C Felony."

**NEW SECTION, Sec. 5.** A new section is added to chapter 9A1 RCW to read as follows:

Nothing in this chapter prohibits the sale to, purchase by, possession of, or use of exploding bullets by any member of the army, navy, coast guard, air force, or marine corps of the United States, the national guard, or the state militia while on duty and acting within the scope and course of employment."

Renumber the remaining sections consecutively.

On page 3, line 17, after "ammunition" insert "other than an exploding bullet"

Senator Pullen moved that the following amendment to the amendments be adopted:

On the last line of the second amendment by Senators Bottiger and West, strike "class C felony" and insert "gross misdemeanor"

Debate ensued.

President Pro Tempore Rasmussen assumed the chair.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment to the amendments by Senators Bottiger and West.

The motion by Senator Pullen carried and the amendment to the amendments was adopted.

Debate on the amendments by Senators Bottiger and West, as amended, ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendments by Senators Bottiger and West, as amended.

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

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendments by Senators Bottiger and West, as amended.

#### ROLL CALL

The Secretary called the roll and the amendments, as amended, were adopted by the following vote: Yeas, 35; nays, 14.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Deccio, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Moore, Newhouse, Peterson, Rinehart, Saling, Smitherman, Stratton, Talmadge, Vognild, Warnke, West, Williams, Wojahn, Zimmerman - 35.

Voting nay: Senators Benitz, Conner, Craswell, Garrett, Halsan, Metcalf, Nelson, Owen, Paterson, Pullen, Rasmussen, Sellar, Tanner, von Reichbauer - 14.

#### MOTION

Senator Pullen moved that the following amendment be adopted:

On page 1, beginning on line 5, insert the following:

**NEW SECTION.** Sec. 1. The Washington state legislature finds that the constitutional right to keep and bear arms is a fundamental freedom which should be protected, nurtured, and expanded. The legislature also finds that the founding fathers of our state and country very much wanted to have firearms in the hands of ordinary citizens as a means of protecting freedom and deterring potential despots from undermining our constitutional republic by force.

Quotes from the founding fathers clearly support these legislative findings. For example, George Washington said, "Firearms stand next in importance to the constitution itself . . . From the hour the pilgrims landed to the present day, events, occurrences and tendencies prove that to ensure peace, security and happiness, the rifle and pistol are equally indispensable . . . The very atmosphere of firearms anywhere and everywhere restrains evil influence—they deserve a place of honor with all that's good . . ." Thomas Jefferson said, "No free man shall ever be debarred the use of arms." Patrick Henry stated, "The great object is that every man be armed . . . Everyone who is able may have a gun."

Clearly, the founding fathers realized that firearms in the hands of ordinary citizens would on occasion result in sad consequences, such as the death of an innocent person through criminal behavior or a tragic accident. However, they also knew that these relatively few deaths would be far more than offset by the many lives saved as a result of the right to bear arms helping to preserve freedom. They knew that the few lives lost through criminal behavior or accidents would be negligible compared to the large number of lives lost whenever freedom is destroyed and a tyrannical government is established. History has shown our founding fathers to be very wise indeed. While citizens in the United States have experienced unprecedented freedom, the rest of the world has witnessed six million Jews murdered by Adolf Hitler, fifteen million Russians slaughtered by Joseph Stalin, and an estimated sixty million Chinese murdered in communist China, none of whom were allowed to possess firearms.

As a result of these lessons from history, it is the intent of the legislature to promote freedom and protect public safety by enacting the "Firearm Civil Rights Act of 1987" and imposing stiff civil and criminal penalties on any person or public official who unlawfully or unconstitutionally interferes with the right of a citizen to keep and bear arms.

**NEW SECTION.** Sec. 2. This act shall be known and may be cited as the "Firearms Civil Rights Act of 1987."

**NEW SECTION.** Sec. 3. (1) A person shall be guilty of denial of firearms civil rights if he or she is a public official and:

(a) Denies or causes the denial of the issuance or renewal of a concealed pistol license to an applicant who is qualified under this chapter or other state laws; or

(b) Requests the applicant to provide additional information beyond that required by RCW 9.41.070 or causes the request to be made; or

(c) Confiscates or orders forfeiture of a citizen's firearms without authority under state statutes or without due process of law or sets the policy for such confiscation or forfeiture; or

(d) Prohibits a commercial seller from delivering a firearm to a purchaser without good cause, lawful authority under state statutes, or due process of law or causes such prohibition to be made; or

(e) Orders a commercial seller to delay delivery of a firearm to a purchaser beyond the usual five-day limit specified in RCW 9.41.090 without good cause, lawful authority under state statutes, or due process of law or causes the order to be made.

(2) The fact or claim that a public official was acting under the direction of a superior is not a defense to an action under subsection (1) of this section.

(3) This section applies both to employees who violate a provision of this section and to any employers or supervisors who require or order an employee to violate a provision of this section.

(4) Denial of firearm civil rights is a gross misdemeanor.

For the purposes of this section, public official means any person employed by any state or local governmental entity and includes local government elected officials.

**NEW SECTION.** Sec. 4. A person whose firearms civil rights have been denied under section 3 of this act shall be awarded civil damages equal to five thousand dollars for each violation plus attorney fees and compensation for loss of income, loss of wages, loss of fringe benefits, transportation expenses, communication expenses, and all other costs associated with efforts to regain the person's firearms civil rights and seek civil remedies. The civil remedies may be sought regardless of whether or not criminal charges are filed pursuant to section 3 of this act; and the petitioner's case shall not be prejudiced by the fact that criminal charges were not filed. The civil action may be brought in the county where the violation occurred or in Thurston county at the discretion of the petitioner.

**NEW SECTION.** Sec. 5. The attorney general may bring a civil or criminal action for violation of section 3 of this act."

Remember the remaining sections consecutively.

#### POINT OF ORDER

Senator Talmadge: "Mr. President, I raise the point of order on scope and object. The amendment is an amendment relating to civil rights in a bill that is designed to deal with the issue of firearms in specific. I believe the amendment by Senator Pullen expands both the scope and the object of the legislation. Mr. President, if additional time is needed for the chair to formulate a ruling on that issue, I would ask that Substitute Senate Bill No. 5710 hold its place on the calendar."

Further debate ensued.

#### MOTION

On motion of Senator Bottiger, further consideration of Substitute Senate Bill No. 5710 was deferred.

#### SECOND READING

SENATE BILL NO. 5377, by Senators Wojahn, Kiskaddon, Stratton, Deccio and Johnson

Creating a department of public health and environment.

#### MOTIONS

On motion of Senator Wojahn, Substitute Senate Bill No. 5377 was substituted for Senate Bill No. 5377 and the substitute bill was placed on second reading and read the second time.

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

On page 19, after line 3, insert the following:

**NEW SECTION.** Sec. 33. The powers conferred by sections 28, 29, 30, 31 and 32 of this act may be exercised only in the administration of programs or activities transferred by the division of health of the department of social and health services to the department of public health and environment."

On page 21, after line 19, insert the following:

**NEW SECTION.** Sec. 38. All rules and all pending business before any agency of state government pertaining to the powers, duties, and functions transferred shall be continued and acted upon by the department of public health and environment. All existing contracts and obligations shall remain in full force and shall be performed by the department of public health and environment.

**NEW SECTION.** Sec. 39. The transfer of the powers, duties, functions, and personnel shall not affect the validity of any act performed by such employee prior to the effective date of this section.

**NEW SECTION.** Sec. 40. If apportionments of budgeted funds are required because of the transfers directed by this act, the director or financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification."

Remember the remaining sections consecutively and correct internal references accordingly.

On page 21, after line 19, insert the following:

**NEW SECTION, Sec. 38.** All classified employees employed in connection with the powers, duties, and functions transferred are transferred to the jurisdiction of the department of public health and environment. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of public health and environment to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

**NEW SECTION, Sec. 39.** Nothing contained in this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law."

Remember the remaining sections consecutively and correct internal references accordingly.

### MOTION

Senator Talmadge moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION, Sec. 1.** The departments of social and health services and ecology were created in 1970. At that time, the legislature recognized that the protection of the natural environment and the protection of the public health as it relates to the environment were closely interrelated activities. The enabling statutes, RCW 43.21A.140 and 43.20A.140, directed each agency to consult with the other "in order that to the fullest extent possible, agencies concerned with the preservation of life and health, and agencies concerned with the protection of the environment may integrate their efforts and endorse policies in common."

Increasing awareness of incidents involving air, water, and land pollution resulting in health problems have caused citizens to be confused about the responsibility of the departments of ecology and social and health services.

Examples of areas in which both agencies have responsibilities include: Toxic and hazardous waste disposal; ground water contamination affecting drinking water; radioactive material handling and disposal; and pollution of Puget Sound resulting in shellfish area closures.

The purpose of this act is to consolidate the department of social and health services offices of radiation protection and environmental health programs at the state level within the department of ecology, while retaining in local government those functions presently performed by local boards of health and implementing local health agencies.

The department of ecology shall coordinate the functions transferred by this act with its existing programs and with the programs of the local boards of health to eliminate duplicative regulatory programs in a manner consistent with the policies and requirements of state law.

**NEW SECTION, Sec. 2.** The offices of radiation protection and environmental health programs of the department of social and health services, with appropriate elements of the office of public health laboratories and epidemiology as provide direct support to the offices of radiation protection and environmental health programs, shall be transferred to the department of ecology. The effective date of this transfer shall be July 1, 1988.

**NEW SECTION, Sec. 3.** A transition team shall be formed to develop a plan for orderly and efficient transfer of duties and staff from the department of social and health services offices of radiation protection and environmental health programs to the department of ecology. The transition team shall consist of the director of the department of ecology and the secretary of social and health services or their designees. In addition, the two agency directors shall appoint two representatives of the local public health field, two representatives of the radiation protection field, and two representatives of the environmental community to serve on the transition team. The transition team shall also include a representative of the attorney general's office.

The plan shall include:

(1) Recommendations relating to special needs required to effect a smooth, timely, and efficient transfer and implementation of this act;

(2) An analysis of the impact of the transfer on programs administered by local health agencies, including recommendations for improving state and local coordination;

(3) A comprehensive organizational assessment of the department of ecology and the reporting relationships of the offices of radiation protection and environmental health programs within the agency, along with recommendations to ensure that public environmental health is given appropriate emphasis; and

(4) A review of existing statutes pertaining to the department of social and health services and the state board of health. The plan shall identify appropriate revisions needed to reflect the transfer of responsibilities contained in this act. The plan shall also consider the creation of a new state department of public health and environment.

**NEW SECTION.** Sec. 4. All rules of the department of social and health services and the state board of health that are administered by the offices of radiation protection and environmental health programs, or local health departments with technical support provided by the office of environmental health programs, in effect on the effective date of the transfer shall become rules of the department of ecology.

**NEW SECTION.** Sec. 5. A task force shall be established to assess the feasibility of creating a separate cabinet-level public health agency in state government. Members of the task force shall be chosen by the governor: PROVIDED, That the secretary of social and health services shall be a member of the task force. Eight members shall be appointed representing local public health officials, health service providers from the public sector, the private nonprofit sector, and the private for-profit sector actively engaged in the provision of health services in the state. The governor shall strive to appoint members with expertise in mental health, adult health services, drug and alcohol treatment, epidemiology, birth defects, genetic services, communicable disease treatment, child and maternal health services, and home health services, and others representing the health care community whom the governor deems appropriate. The task force shall:

(1) Compile and review work previously conducted in relation to the relocation of public health elements of the department of social and health services;

(2) Identify inherent problems with the current state health agency structure as it relates to providing services to the state's citizens; and

(3) Report to the legislature not later than December 15, 1987, with recommendations on the feasibility of creating a separate state agency to address public health issues. The report shall include: (a) A thorough assessment of the benefits and disadvantages to be realized in a separate agency; (b) logical components of a separate agency; (c) necessary changes in the reporting relationship between the state and local health agencies; (d) the impact of a transfer on health service providers in the private sector, private nonprofit sector, and the private for-profit sector; and (e) additional components deemed appropriate by the task force."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senator Talmadge.

The motion by Senator Talmadge failed and the amendment was not adopted on a rising vote.

#### MOTION

On motion of Senator Wojahn, the rules were suspended, Engrossed Substitute Senate Bill No. 5377 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5377.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5377 and the bill passed the Senate by the following vote: Yeas, 42; nays, 7.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDermott, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Stratton, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 42.

Voting nay: Senators Bentz, Bluechel, Halsan, Kreidler, Moore, Rinehart, Talmadge - 7.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5377, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 5025, deferred on second reading March 12, 1987.

#### MOTION FOR RECONSIDERATION

Having served prior notice, Senator Metcalf moved to now reconsider the vote by which the amendment by Senator Talmadge on page 2, line 7, was adopted March 12, 1987.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Metcalf to reconsider the vote by which the amendment on page 2, line 7, to Engrossed Substitute Senate Bill No. 5025 was adopted.

The motion by Senator Metcalf carried and the Senate commenced reconsideration of the amendment by Senator Talmadge on page 2, line 7.

## MOTION

On motion of Senator Talmadge, and there being no objection, the amendment on page 2, line 7, was withdrawn.

## MOTION

Senator Talmadge moved that the following revised amendment be adopted:

On page 2, line 7, after "(c)" strike all material down to and "confirmed" on line 9 and insert "An appointee shall not continue to serve beyond the adjournment of the next regular legislative session unless confirmed by the senate or unless reappointed by the governor. An appointee rejected by the senate may not"

Debate ensued.

## POINT OF INQUIRY

Senator McCaslin: "Senator Talmadge, if the Governor appoints someone and we do not confirm him and the session is over, then he no longer serves, then the Governor could immediately reappoint him? Is that correct?"

Senator Talmadge: "That's correct."

Senator McCaslin: "Then he would serve out until the next session?"

Senator Talmadge: "That's right."

Senator McCaslin: "Then we could go through these gymnastics again."

Senator Talmadge: "Yes."

Senator McCaslin: "Then Senator Newhouse is right. We better work on this a little further."

Senator Talmadge: "Well, I don't disagree with what Senator Newhouse is suggesting with respect to the Senate rule. But, I believe that the provisions that are contained in the bill about time deadlines for committee consideration and by full Senate consideration of nominees, coupled with this make for more of an incentive for the Senate to consider and deal with gubernatorial appointees, than is the case under existing law."

Senator McCaslin: "Thank you, Senator Talmadge. I think we are moving forward again in neutral."

The President Pro Tempore declared the question before the Senate to be adoption of the revised amendment by Senator Talmadge.

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

## MOTION

On motion of Senator Talmadge, the rules were suspended, Reengrossed Substitute Senate Bill No. 5025 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Reengrossed Substitute Senate Bill No. 5025.

## ROLL CALL

The Secretary called the roll on final passage of Reengrossed Substitute Senate Bill No. 5025 and the bill passed the Senate by the following vote: Yeas, 43; nays, 6.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, Decclo, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McDermott, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Voting nay: Senators Bluechel, Hayner, McCaslin, McDonald, Pullen, Zimmerman - 6.

REENGROSSED SUBSTITUTE SENATE BILL NO. 5025, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Cherberg assumed the chair.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5064 and the pending amendment by Senator Kiskaddon on page 6, line 11, deferred March 12, 1987.

## RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Bottiger, the President finds that Substitute Senate Bill No. 5064 is a measure providing for certification for radiologic technologists with the exception of radiologists who work for dentists.

"The amendment proposed by Senator Kiskaddon further limits the coverage of the bill by exempting radiologists who work for podiatrists.

"The President, therefore, finds that the proposed amendment does not change the scope and object of the bill and that the point of order is not well taken."

The amendment by Senator Kiskaddon was ruled in order.

Debate ensued on the amendment by Senator Kiskaddon on page 6, line 11, to Substitute Senate Bill No. 5064.

The President declared the question before the Senate to be adoption of the amendment by Senator Kiskaddon.

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

## MOTION

On motion of Senator Kreidler, the rules were suspended, Engrossed Substitute Senate Bill No. 5064 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Bluechel: "Senator Saling, in the digest it says, 'The applicants must be of good moral character.' Is there a definition of good moral character in the bill?"

Senator Saling: "Senator Bluechel, you fit that to a T."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5064.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5064 and the bill passed the Senate by the following vote: Yeas, 49.

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5064, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5278, by Senators Tanner and Conner

Requiring inclusion of military retirement pay as community property in the modification of community property settlements that were entered into between June 25, 1981, and January 31, 1983.

## MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 5278 was substituted for Senate Bill No. 5278 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 5278 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5278.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5278 and the bill passed the Senate by the following vote: Yeas, 43; nays, 5; absent, 1.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senators Barr, Hansen, Metcalf, Rasmussen, West - 5.

Absent: Senator Nelson - 1.

SUBSTITUTE SENATE BILL NO. 5278, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5319, by Senators Vognild, Lee, Warnke, Smitherman, Sellar, Hayner, Owen and Cantu

Authorizing limited credit sales of certain nonliquor food products by wine and beer wholesalers.

The bill was read the second time.

#### MOTION

On motion of Senator Warnke, the rules were suspended, Senate Bill No. 5319 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5319.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5319 and the bill passed the Senate by the following vote: Yeas, 34; nays, 15.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDonald, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rinehart, Saling, Sellar, Smitherman, Stratton, Tanner, Vognild, von Reichbauer, Warnke, Zimmerman - 34.

Voting nay: Senators Anderson, Bluechel, Bottiger, Conner, Garrett, Halsan, Kiskaddon, McDermott, Metcalf, Moore, Rasmussen, Talmadge, West, Williams, Wojahn - 15.

SENATE BILL NO. 5319, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5383, by Senators Zimmerman, Saling, Gaspard, Rinehart and Lee

Creating the capital projects incentive program for community colleges.

#### MOTIONS

On motion of Senator Gaspard, Second Substitute Senate Bill No. 5383 was substituted for Senate Bill No. 5383 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Gaspard, the rules were suspended, Second Substitute Senate Bill No. 5383 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Talmadge: "Senator Zimmerman, with the action in the Ways and Means Committee, all of the language relating to retention of operating monies for purposes of capital activity by the individual campuses or by the state community college board system, generally, were removed from the bill, as I recall."

Senator Zimmerman: "That's correct. That was one element that they apparently felt would not work well, so that was removed."

The President declared the question before the Senate to be the roll call on final passage of Second Substitute Senate Bill No. 5383.

## ROLL CALL

The Secretary called the roll on final passage of Second Substitute Senate Bill No. 5383 and the bill passed the Senate by the following vote: Yeas, 44; nays, 4; absent, 1.

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

Voting nay: Senators Bottiger, Fleming, Rasmussen, Vognild - 4.

Absent: Senator McDermott - 1.

SECOND SUBSTITUTE SENATE BILL NO. 5383, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5441, by Senators DeJarnatt, Lee, Warnke, Smitherman, Newhouse, Tanner, McDonald and Rasmussen (by request of Joint Select Committee on Unemployment Compensation and Insurance)

Authorizing establishment of local reemployment centers.

## MOTIONS

On motion of Senator Warnke, Second Substitute Senate Bill No. 5441 was substituted for Senate Bill No. 5441 and the second substitute bill was placed on second reading and read the second time.

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

On page 2, line 4, after "(2)" strike all material down to and including "counties." on line 16, and insert: "The department shall issue requests for proposals for three centers. One center shall be located in Eastern Washington, one center shall be located in King County, and one center shall be located in Western Washington excluding King County."

## MOTION

Senator Anderson moved that the following amendment by Senators Anderson and Cantu be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The department of employment security shall establish within each office a service known as a local reemployment center. In cooperation with the department of social and health services, each reemployment center shall provide information regarding the following services available within the service area:

- (1) Reemployment assistance;
- (2) Medical services;
- (3) Social services including marital counseling;
- (4) Psychotherapy;
- (5) Mortgage foreclosure and utilities problems counseling;
- (6) Drug and alcohol abuse services;
- (7) Credit counseling; and
- (8) Other services as deemed appropriate.

Each office shall list in a publication the providers of these services within or closest to the service area.

NEW SECTION. Sec. 2. The employment security department shall be responsible for distribution of the publication.

NEW SECTION. Sec. 3. The department of social and health services and the department of employment security shall submit a joint report to the governor and to the commerce and labor committees of the house of representatives and the senate prior to the start of the 1989 legislative session. The report shall assess the effectiveness of the reemployment center services and the publications distributed.

NEW SECTION. Sec. 4. Sections 1 and 2 of this act shall constitute a new chapter in Title 50 RCW.

NEW SECTION. Sec. 5. The sum of forty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1989, from the general fund to the department of employment security for the purposes of this act."

Debate ensued.

## POINT OF INQUIRY

Senator Nelson: "Senator DeJarnatt, how much does it cost us to do the local reemployment centers as embodied in Senate Bill No. 5441?"

Senator DeJarnatt: "Okay, in the second substitute they reduced it to three, but increased the amount of money. It would be \$90,000 for each of the three sets. That's \$270,000 a year and \$540,000 biennium."

Senator Nelson: "\$540,000?"

Senator DeJarnatt: "Yes."

## POINT OF INQUIRY

Senator Nelson: "Senator Anderson, I am looking at this amendment and how much would it cost the state to enact what you have proposed here for this legislation?"

Senator Anderson: "We have an appropriation of \$40,000 in the bill, as we would just have to assimilate the information that is already available through services provided and distribute it through the Employment Security Department."

Further debate ensued.

## POINT OF INQUIRY

Senator Vognild: "Senator Anderson, do you have a fiscal note on this particular amendment?"

Senator Anderson: "We had a \$40,000 appropriation."

Senator Vognild: "My question is, do you have a fiscal note on the amendment?"

Senator Anderson: "No, we have not had a fiscal note drawn up on the appropriation."

Senator Vognild: "Can you tell me where the appropriation amount--how it was derived and where it came from?"

Senator Anderson: "Senator Cantu and I looked at the appropriateness of the facilities already available with Employment Security and the cost of printing that pamphlet."

Senator Vognild: "Thank you."

Further debate ensued.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Vognild, on the amendment where it spells out that \$40,000 is appropriated and it's coming from the general fund, this would be all they could spend as long as that is the appropriation we make. It would seem like if they would expend that much and it was worthwhile, it's certainly a very cheap way of getting the answers out to the people."

Senator Vognild: "Senator, I recognize the \$40,000 appropriation, but in Section 1, it says that each office shall provide the information. In Section 2, it says that the Employment Security Department shall be responsible for distribution. I have forgotten how many employment security offices there are in the state, but I am sure--Senator Warnke might be able to help me--I am sure it's in the hundreds and you are dealing here with a mandate in one area and an appropriation of forty in the other. The mandate will override the appropriation and we will be spending employment security money on this bill, I am very sure."

Further debate ensued.

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Anderson and Cantu.

## ROLL CALL

The Secretary called the roll and the motion by Senator Anderson carried and the amendment was adopted by the following vote: Yeas, 26; nays, 23.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, West, Zimmerman - 26.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Kreidler, McDermott, Moore, Owen, Peterson, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 23.

## MOTION

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

On page 1, line 1 of the title, after "centers;" strike the remainder of the title and insert "adding a new chapter to Title 50 RCW; creating a new section; and making an appropriation."

On motion of Senator Rasmussen, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5441 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute Senate Bill No. 5441.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute Senate Bill No. 5441 and the bill passed the Senate by the following vote: Yeas, 46; nays, 3.

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

Voting nay: Senators Bottiger, Rinehart, Warnke - 3.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5441, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5838, deferred on second reading earlier today.

## MOTIONS

On motion of Senator Lee, the following amendment by Senators Lee, West, Nelson, Smitherman and Warnke was adopted:

On page 2, line 3, after "purposes;" strike "or" and on line 7 after "corporation" insert "; or (e) persons or entities providing contracted services for less than one year's duration"

Senator Nelson moved that the following amendment be adopted:

On page 2, line 3, after "purposes;" strike all language through corporation." on line 7

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Nelson.

The motion by Senator Nelson failed and the amendment was not adopted.

## MOTION

Senator Zimmerman moved that the the following amendments by Senators Zimmerman, Bauer and Tanner be considered simultaneously and adopted:

On page 2, line 3, after "purposes;" strike "or" and insert "(d) a person or entity which offers physical exercise, body building, figure development or similar activities as incidental features of a plan of instruction or assistance relating to diet or control of eating habits;"

On page 2, line 11, after "involving" insert "substantial on-site"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senators Zimmerman, Bauer and Tanner.

The motion by Senator Zimmerman carried and the amendments were adopted on a rising vote.

## MOTION

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

On page 3, line 29, after "signed", and before the semicolon, insert ", unless the planned facility or facility under construction is not completed within 12 months from the date the contract is signed due to an act of God, or any other reason not under the control of the health studio"

On page 4, line 23, after "contract" and before the semicolon, insert "unless the planned facility or facility under construction or improvement is not completed by the date represented on the contract due to an act of God, or any other reason not under the control of the health studio"

Debate ensued.

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

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

#### ROLL CALL

The Secretary called the roll and the motion by Senator von Reichbauer failed and the amendments were not adopted by the following vote: Yeas, 21; nays, 28.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, von Reichbauer, West, Zimmerman - 21.

Voting nay: Senators Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, Lee, McCaslin, McDermott, Moore, Owen, Peterson, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 28.

#### MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute Senate Bill No. 5838 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5838.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5838 and the bill passed the Senate by the following vote: Yeas, 29; nays, 20.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, Lee, McCaslin, McDermott, Moore, Peterson, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 29.

Voting nay: Senators Anderson, Barr, Benitz, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Sellar, von Reichbauer, West, Zimmerman - 20.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5838, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5565, by Senators Kreidler, Lee and Bauer

Requiring gasoline delivery trucks to have meters and supply receipts.

#### MOTIONS

On motion of Senator Kreidler, Substitute Senate Bill No. 5565 was substituted for Senate Bill No. 5565 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kreidler, the rules were suspended, Substitute Senate Bill No. 5565 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5565.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5565 and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman,

Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Voting nay: Senator Barr - 1.

SUBSTITUTE SENATE BILL NO. 5565, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5581, by Senators Moore, Warnke, Barr, Williams, West, Sellar, Vognild, Benitz and Tanner

Revising provisions relating to licensed beer retailers.

#### MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 5581 was substituted for Senate Bill No. 5581 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Warnke, the rules were suspended, Substitute Senate Bill No. 5581 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5581.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5581 and the bill passed the Senate by the following vote: Yeas, 46; nays, 3.

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

Voting nay: Senators Craswell, Metcalf, Zimmerman - 3.

SUBSTITUTE SENATE BILL NO. 5581, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5634, by Senators Talmadge, Newhouse, Nelson, Smitherman, Halsan and Rasmussen (by request of Department of Labor and Industries)

Revising provisions governing crime victims compensation.

#### MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 5634 was substituted for Senate Bill No. 5634 and the substitute bill was placed on second reading and read the second time.

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

On page 7, line 7, after "granted" strike everything through "dollars" on line 10, and insert the following:

"for permanent partial disability as a result of a single injury, except that benefits may be granted for permanent total disability or death as a result of a single injury up to an amount not to exceed twenty thousand dollars. An individual whose injury has been previously adjudicated as a permanent partial disability from a single injury and whose same injury is later readjudicated to a permanent total disability may receive additional benefits up to the sum total of twenty thousand dollars inclusive of benefits previously received under this chapter for that injury"

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute Senate Bill No. 5634 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5634.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5634 and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Seilar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Patterson - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5634, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5693, by Senators Vognild, Newhouse, Halsan, Conner, Wojahn, Bottiger and Johnson

Insuring employees adequate time to vote.

The bill was read the second time.

## MOTION

On motion of Senator Halsan, the rules were suspended, Senate Bill No. 5693 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5693.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5693 and the bill passed the Senate by the following vote: Yeas, 39; nays, 10.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McDermott, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Seilar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 39.

Voting nay: Senators Barr, Benitz, Cantu, Craswell, Hayner, McCaslin, McDonald, Metcalf, Nelson, Zimmerman - 10.

SENATE BILL NO. 5693, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTIONS

On motion of Senator Bender, Senator Rinehart was excused.

On motion of Senator Zimmerman, Senator Lee was excused.

## SECOND READING

SENATE BILL NO. 5825, by Senators Conner and Talmadge

Revising provisions on horizontal property regimes.

## MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 5825 was substituted for Senate Bill No. 5825 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 5825 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5825.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5825 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Lee, Rinehart - 2.

SUBSTITUTE SENATE BILL NO. 5825, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Zimmerman, Senator Benitz was excused.

## SECOND READING

SENATE BILL NO. 5835, by Senators Wojahn, Anderson, Kreidler, Deccio, Tanner, Johnson and Sellar

Including a physician's assistant on the state board of medical examiners.

## MOTIONS

On motion of Senator Wojahn, Substitute Senate Bill No. 5835 was substituted for Senate Bill No. 5835 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Wojahn, the rules were suspended, Substitute Senate Bill No. 5835 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5835.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5835 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senator Nelson - 1.

Excused: Senators Benitz, Lee, Rinehart - 3.

SUBSTITUTE SENATE BILL NO. 5835, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5857, by Senators Wojahn, Deccio, Tanner, Johnson and Vognilid

Establishing the impaired physician program.

## MOTIONS

On motion of Senator Wojahn, Substitute Senate Bill No. 5857 was substituted for Senate Bill No. 5857 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Wojahn, the following amendment was adopted:

On page 4, line 5, after "of" insert "five hundred thousand two hundred"

On motion of Senator Wojahn, the rules were suspended, Engrossed Substitute Senate Bill No. 5857 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## MOTION

On motion of Senator Bender, Senator Moore was excused.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5857.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5857 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Excused: Senators Benitz, Lee, Moore, Rinehart - 4.

INGROSSED SUBSTITUTE SENATE BILL NO. 5857, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5868, by Senators Newhouse, Talmadge and Rasmussen

Authorizing courts to set terms of license revocation for vehicular homicide and assault.

## MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 5868 was substituted for Senate Bill No. 5868 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 5868 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5868.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5868 and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, West, Williams, Wojahn, Zimmerman - 44.

Absent: Senator Warnke - 1.

Excused: Senators Benitz, Lee, Moore, Rinehart - 4.

SUBSTITUTE SENATE BILL NO. 5868, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5885, by Senators Halsan, Garrett, Warnke, Talmadge, Kiskaddon, Gaspard, Bender and DeJarnatt

Gathering and disseminating information on earthquake dangers.

## MOTIONS

On motion of Senator Halsan, Substitute Senate Bill No. 5885 was substituted for Senate Bill No. 5885 and the substitute bill was placed on second reading and read the second time.

Senator Talmadge moved that the following amendments be considered simultaneously and adopted:

On page 1, line 17, after "colleges," delete "office buildings."

On page 1, line 18, after "facilities," delete "and"

On page 1, line 19, after "centers" delete all material down to and including "facilities" on line 20

#### MOTION

Senator Kiskaddon moved that the question be divided and that the first amendment on page 1, line 17, be considered separately.

#### MOTION

On motion of Senator Talmadge, and there being no objection, the first amendment was withdrawn.

The President declared the question before the Senate to be the adoption of the amendments by Senator Talmadge on page 1, line 18, and page 1, line 19.

The motion by Senator Talmadge carried and the two amendments were adopted.

#### MOTIONS

On motion of Senator Vognild, the following amendment by Senator Rinehart was adopted:

On page 2, line 12, after after "May 30," delete "1988" and insert "1989. An interim progress report shall be made by the department to the governor and the legislature by May 30, 1988"

On motion of Senator Vognild, the following amendment by Senator Rinehart was adopted:

On page 3, line 20, after "designee," insert "a representative of the American red cross;"

On motion of Senator Halsan, the rules were suspended, Engrossed Substitute Senate Bill No. 5885 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Deccio: "Senator McDermott, how much was the amount that was in the bill that we took out, just in round numbers?"

Senator McDermott: "Senator Deccio, too much."

#### POINT OF INQUIRY

Senator Deccio: "Senator Halsan, do you remember what it was?"

Senator Halsan: "The amount was blank dollars."

Senator Deccio: "Well, I know they are kidding, of course. I saw the amount, but let's take a look at how things get started around here. In 1985, a group called the Washington State Seismic Safety Council was formed and the purpose was to review methods and procedures to educate the public about earthquakes, recommend goals and priorities and gather and analyze information about earthquakes. That was what they were supposed to do. Now they come back in this session, now they want an appropriation to determine for health, safety and welfare the condition of all the public buildings across the state of Washington and they even have included all buildings built after--the proposed substitute deleted any building constructed after 1988--they even want to include those.

"Man, we've got a boondoggle going here and guess who were the only ones who testified in favor of it--were the people from the Seismic Department at the University of Washington. Now, you can go ahead and vote for this. Even after they find out whether these buildings across the state can't withstand an earthquake, what are we going to do about it? I am sure most of them can't stand it. This building couldn't stand it. I'm sure most of the others couldn't, so what's going to happen? They're going to come back and they are going to ask for a whole bundle of bucks to do something with all the public buildings all across the state of Washington. Then, we have another budget buster on our hands. I know it sounds--it sounds like a real worthy cause, but it's a jobs bill and this is one jobs bill I am going to vote against."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5885.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5885 and the bill passed the Senate by the following vote: Yeas, 29; nays, 17; excused, 3.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Johnson, Kiskaddon, Kreidler, Lee, McDermott, Nelson, Owen, Peterson, Pullen, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 29.

Voting nay: Senators Anderson, Barr, Cantu, Craswell, Deccio, Hansen, Hayner, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Rasmussen, Saling, Sellar, Tanner, West - 17.

Excused: Senators Benitz, Moore, Rinehart - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5885, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5941, by Senators Kreidler and Bottiger

Revising provisions on hazardous waste.

## MOTIONS

On motion of Senator Kreidler, Substitute Senate Bill No. 5941 was substituted for Senate Bill No. 5941 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kreidler, the rules were suspended, Substitute Senate Bill No. 5941 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5941.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5941 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McDermott, Metcalf, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Benitz, Moore, Rinehart - 3.

SUBSTITUTE SENATE BILL NO. 5941, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 8:59 p.m., on motion of Senator Vognild, the Senate adjourned until 9:00 a.m., Monday, March 16, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## SIXTY-FOURTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Monday, March 16, 1987

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Lee, McDermott, Peterson and Smitherman. On motion of Senator Bender, Senators McDermott and Peterson were excused. On motion of Senator Zimmerman, Senator Lee was excused.

The Sergeant at Arms Color Guard, consisting of Pages Cassandra Boose and Matthew Broomhead, presented the Colors. Pastor Jed P. Minton, senior minister and administrator of the Christian Life Center of Port Orchard, and a guest of Senator Ellen Craswell, offered the prayer.

#### MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

#### REPORT OF STANDING COMMITTEE

March 12, 1987

HB 94 Prime Sponsor, Committee on Judiciary: Enacting the new uniform fraudulent transfer act. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Moore, Nelson.

Passed to Committee on Rules for second reading.

#### MESSAGE FROM THE HOUSE

March 13, 1987

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 4,  
 SUBSTITUTE HOUSE BILL NO. 48,  
 SUBSTITUTE HOUSE BILL NO. 53,  
 HOUSE BILL NO. 67,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 118,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 134,  
 ENGROSSED HOUSE BILL NO. 248,  
 HOUSE BILL NO. 358,  
 SUBSTITUTE HOUSE BILL NO. 359,  
 SUBSTITUTE HOUSE BILL NO. 424,  
 SUBSTITUTE HOUSE BILL NO. 440,  
 SUBSTITUTE HOUSE BILL NO. 472,  
 SECOND SUBSTITUTE HOUSE BILL NO. 477,  
 SUBSTITUTE HOUSE BILL NO. 524,  
 HOUSE BILL NO. 541,  
 HOUSE BILL NO. 551,  
 SUBSTITUTE HOUSE BILL NO. 563,  
 SUBSTITUTE HOUSE BILL NO. 651,  
 ENGROSSED HOUSE BILL NO. 752,  
 HOUSE BILL NO. 795,  
 SUBSTITUTE HOUSE BILL NO. 804,  
 HOUSE BILL NO. 815,  
 HOUSE BILL NO. 816,  
 HOUSE BILL NO. 827,  
 SUBSTITUTE HOUSE BILL NO. 833,  
 SUBSTITUTE HOUSE BILL NO. 834,

HOUSE BILL NO. 854,  
 HOUSE BILL NO. 865,  
 SUBSTITUTE HOUSE BILL NO. 902,  
 SUBSTITUTE HOUSE BILL NO. 928,  
 SUBSTITUTE HOUSE BILL NO. 929,  
 SUBSTITUTE HOUSE BILL NO. 932,  
 SUBSTITUTE HOUSE BILL NO. 935,  
 SUBSTITUTE HOUSE BILL NO. 937,  
 SUBSTITUTE HOUSE BILL NO. 942,  
 SUBSTITUTE HOUSE BILL NO. 984,  
 HOUSE BILL NO. 985,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1006,  
 HOUSE BILL NO. 1014,  
 HOUSE BILL NO. 1067,  
 SUBSTITUTE HOUSE BILL NO. 1070,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1128, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 4 by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Fisher, Madsen, Barnes and Wang; by request of Attorney General)

Revising provisions governing the release of public records.

Referred to Committee on Judiciary.

SHB 53 by Committee on Ways and Means/Appropriations (originally sponsored by Representatives H. Sommers, Grimm, B. Williams, Silver, Brekke and Winsley)

Modifying retirement provisions for higher education personnel.

Referred to Committee on Ways and Means.

HB 67 by Representatives Rayburn, Nealey, Prince, Kremen, McLean, C. Smith, Fuhrman, Betrozoff, Amondson, P. King, Chandler, Hargrove, Lewis and Doty

Exempting the conditioning of seed for out-of-state sales from business and occupation taxation.

Referred to Committee on Ways and Means.

SHB 48 by Committee on Judiciary (originally sponsored by Representatives Appelwick, Belcher, Wang, Wineberry, P. King, Locke, Todd, K. Wilson, Leonard and Brekke)

Revising provisions relating to parenting.

Referred to Committee on Judiciary.

ESHB 118 by Committee on Local Government (originally sponsored by Representatives Nutley, Allen, Haugen, May, Ferguson, Bristow, Rayburn, Brough, Unsoeld and Hine)

Providing procedures for vacation and alteration of plats.

Referred to Committee on Governmental Operations.

ESHB 134 by Committee on Health Care (originally sponsored by Representatives Day, Lewis, Brooks, Bumgarner, Lux, P. King and Dellwo)

Certifying radiological technologists.

Referred to Committee on Human Services and Corrections.

HB 358 by Representatives H. Sommers, Bristow, Holland, B. Williams, Patrick, Sayan, Silver, Braddock, Hine, Fuhrman, C. Smith, Wang, Valle and May

Revising provisions relating to the state actuary and creating a joint committee on pension policy.

Referred to Committee on Ways and Means.

SHB 359 by Committee on Ways and Means/Appropriations (originally sponsored by Representatives H. Sommers, Silver, Locke, B. Williams, Braddock, Niemi, Patrick and Dellwo)

Revising provisions relating to the judicial retirement system.

Referred to Committee on Ways and Means.

SHB 424 by Committee on Ways and Means/Appropriations (originally sponsored by Representatives Jacobsen, Appelwick, Allen, Cole, P. King, Ebersole, Valle, Hine, Belcher and Rayburn)

Providing for service credit for school district employees under the public employees' retirement system.

Referred to Committee on Ways and Means.

SHB 440 by Committee on Ways and Means/Appropriations (originally sponsored by Representatives Unsoeld, Belcher, Jacobsen, Sayan, Lux and Holm)

Revising provisions relating to retirement of elected officials of cities and towns.

Referred to Committee on Ways and Means.

SHB 472 by Committee on Ways and Means/Appropriations (originally sponsored by Representatives Belcher, R. King, Dellwo, Rayburn, Leonard, Unsoeld, Bristow, Allen and Jacobsen) (by request of Department of Retirement Systems)

Establishing a mechanism for mandatory assignment of divided retirement benefit payments.

Referred to Committee on Ways and Means.

E2SHB 477 by Committee on Ways and Means (originally sponsored by Representatives J. King, Brooks, McMullen, Crane, Appelwick, Brekke, Lux, Locke, Grimm, Wang, Unsoeld, Jacobsen, Moyer, Leonard, Sprenkle and Todd)

Enacting the health care access act of 1987.

Referred to Committee on Ways and Means.

SHB 524 by Committee on Health Care (originally sponsored by Representatives Braddock, Lewis, Moyer, Kremen, Sprenkle, D. Sommers, Bumgarner, Spanel, Lux, Holm, P. King, Doty, Brough and Todd) (by request of Department of Social and Health Services)

Modifying provisions relating to respite projects.

Referred to Committee on Human Services and Corrections.

HB 541 by Representatives Jesernig, Hankins, Madsen, Miller and Todd

Revising provisions on joint operating agencies.

Referred to Committee on Energy and Utilities.

HB 551 by Representatives Spanel, Belcher, Sayan, S. Wilson, Locke, Allen and P. King

Revising the use of proceeds from the sale or lease of aquatic lands.

Referred to Committee on Natural Resources.

- SHB 563** by Committee on Health Care (originally sponsored by Representative Braddock)  
Revising provisions relating to the uniform disciplinary act.  
Referred to Committee on Human Services and Corrections.
- SHB 651** by Committee on Local Government (originally sponsored by Representatives Zellinsky, Chandler, Haugen, Cooper, Hine, Bumgarner, Nealey, L. Smith and P. King)  
Revising the authorized investment of public funds.  
Referred to Committee on Governmental Operations.
- EHB 752** by Representatives Locke, Armstrong, P. King, Brough and Betrozoff (by request of Sentencing Guidelines Commission)  
Revising the definition of second degree assault.  
Referred to Committee on Judiciary.
- HB 795** by Representatives Meyers, Padden and Lewis  
Authorizing retired authorized persons to solemnize marriages.  
Referred to Committee on Judiciary.
- SHB 804** by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Wineberry, Fisher, Brooks, Beck, Ebersole, Hargrove, Appelwick, P. King, Pruitt, Jacobsen, Fisch, Taylor and Rasmussen)  
Establishing voter registration programs in high schools.  
Referred to Committee on Governmental Operations.
- HB 815** by Representatives Hine, Brough and Haugen  
Establishing procedures for enforcement of delinquent storm water control charges.  
Referred to Committee on Governmental Operations.
- HB 816** by Representatives Cole, Patrick and P. King  
Changing provisions relating to county sheriff civil service systems.  
Referred to Committee on Governmental Operations.
- HB 827** by Representatives Holland, H. Sommers, Jacobsen, L. Smith, Betrozoff, Valle, May, Wineberry, Moyer, Silver and Schoon  
Requiring school districts to solicit competitive bids or proposals when contracting for pupil transportation services.  
Referred to Committee on Education.
- SHB 833** by Committee on State Government (originally sponsored by Representatives Sprenkle, Cooper, Jacobsen, Pruitt, Bristow, Valle, K. Wilson, Kremen, Cantwell, Grant, Crane, Ebersole, Todd, J. Williams, Sanders and P. King)  
Creating Washington state efficiency study commission.  
Referred to Committee on Governmental Operations.
- SHB 834** by Committee on Health Care (originally sponsored by Representatives Sprenkle, Brough, Brooks, Niemi, Grant, Ebersole and Todd)  
Revising provisions relating to birth certificates.  
Referred to Committee on Human Services and Corrections.
- HB 854** by Representative Lux  
Requiring insurers to allow conversion of group term insurance.  
Referred to Committee on Financial Institutions.

HB 865 by Representatives Wang, Patrick, Sayan, Holland, Locke, H. Sommers and Grimm

Revising continued service credit for duty disability retirement recipients.

Referred to Committee on Ways and Means.

SHB 902 by Committee on Local Government (originally sponsored by Representatives Haugen, Ferguson and Hine)

Exempting city and town fire and police chiefs from civil service provisions.

Referred to Committee on Governmental Operations.

SHB 928 by Committee on Natural Resources (originally sponsored by Representatives Spanel, K. Wilson, Schmidt, Meyers, Zellinsky, Cole, Fuhrman, S. Wilson, Belcher, Haugen and Bumgarner)

Establishing procedures for leasing lands for commercial harvesting of subtidal hardshell clams.

Referred to Committee on Natural Resources.

SHB 929 by Committee on Local Government (originally sponsored by Representatives Haugen, L. Smith, Allen and Nutley)

Providing for sewer connections by residents of cities, towns, counties, public utility districts, and sewer districts.

Referred to Committee on Governmental Operations.

SHB 932 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, Betrozoff, Taylor, Miller and D. Sommers)

Relating to rental payments to landlords from public assistance.

Referred to Committee on Human Services and Corrections.

SHB 935 by Committee on Commerce and Labor (originally sponsored by Representatives Lux, Appelwick, Jacobsen, Cole and Gallagher)

Requiring self-insurers to maintain industrial insurance unit in the state.

Referred to Committee on Commerce and Labor.

SHB 937 by Committee on Commerce and Labor (originally sponsored by Representatives Jacobsen, Lux, R. King, Appelwick, Wang and Cole)

Establishing time limit for forwarding of industrial insurance claims information by self-insurers.

Referred to Committee on Commerce and Labor.

SHB 942 by Committee on Health Care (originally sponsored by Representatives Cantwell, Moyer, Braddock, D. Sommers, Sprenkle, Ferguson, Schoon, Brooks, Lux, Beck, Bristow, Lewis, Day, Bumgarner, Jesernig, Padden and Miller)

Including a physician's assistant on the state board of medical examiners.

Referred to Committee on Human Services and Corrections.

SHB 984 by Committee on Commerce and Labor (originally sponsored by Representatives Baugher, Lewis, Appelwick, Patrick, Fisch, Rayburn, Vekich, C. Smith, Fisher, Sayan, Madsen, R. King and Doty)

Authorizing satellite extensions of licensed facilities for parimutuel wagering.

Referred to Committee on Commerce and Labor.

HB 985 by Representatives Ferguson, Zellinsky, Winsley, Kremen, May, Betzoff, Appelwick, Holland, Amondson, Doty, Moyer, Wineberry and Schoon

Allowing alternative education courses to be completed for reduction of automobile insurance premiums.

Referred to Committee on Financial Institutions.

E2SHB 1006 by Committee on Ways and Means (originally sponsored by Representatives Day, Lewis, Bristow, Brooks, D. Sommers, Cantwell, Vekich, Lux, Sprengle, Bumgarner, Locke, Silver, Grimm, Braddock, Taylor, Niemi, Rasmussen, Holm, Brekke, K. Wilson, Dellwo, Winsley, Cole, Ebersole, Crane, Ballard, Doty, Heavey, Allen, Jacobsen, Holland, Scott, Rayburn, Sanders, Jesernig, R. King, Brough, P. King, May, Moyer, Spanel, Wineberry, Schoon and Ferguson)

Changing provisions relating to nursing homes.

Referred to Committee on Ways and Means.

HB 1014 by Representative Haugen

Allowing certain public corporations to use local improvement district financing.

Referred to Committee on Governmental Operations.

HB 1067 by Representatives Unsoeld, Belcher, Jacobsen, Lux and H. Sommers

Revising actuarially equivalent options for public retirement allowances.

Referred to Committee on Ways and Means.

SHB 1070 by Committee on Ways and Means/Appropriations (originally sponsored by Representatives Unsoeld, Belcher, Jacobsen, Cole, Lux, Nelson, Hine, P. King, Sutherland, Walk, Zellinsky, Basich, Leonard, Cooper, Patrick, Holland, Miller, May, H. Sommers, R. King, Dellwo, Rasmussen and Brough)

Increasing retirement benefits for teachers who are not receiving social security benefits.

Referred to Committee on Ways and Means.

There being no objection, the President advanced the Senate to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 5822, by Senators Garrett, McCaslin and Rasmussen

Revising short plat regulations.

The bill was read the second time.

#### MOTIONS

On motion of Senator Halsan, the following Committee on Governmental Operations amendment was adopted:

On page 1, line 20, before "within" strike "a revision" and insert "an alteration"

On motion of Senator Halsan, the rules were suspended, Engrossed Senate Bill No. 5822 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5822.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5822 and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senator Talmadge - 1.

Absent: Senator Smitherman - 1.

Excused: Senators Lee, McDermott, Peterson - 3.

ENGROSSED SENATE BILL NO. 5822, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Bender, Senator Smitherman was excused.

#### SECOND READING

SENATE BILL NO. 5395, by Senators Gaspard, Williams, Sellar and Warnke (by request of Secretary of State)

Providing funds for the protection and preservation of small town historical records.

The bill was read the second time.

#### MOTION

Senator Talmadge moved that the following amendment be adopted:

On page 1, line 6, strike "general fund" and insert "centennial account under RCW 27.60.060"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Talmadge.

The motion by Senator Talmadge failed and the amendment was not adopted.

#### MOTION

On motion of Senator Halsan, the rules were suspended, Senate Bill No. 5395 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5395.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5395 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Excused: Senators McDermott, Peterson, Smitherman - 3.

SENATE BILL NO. 5395, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Zimmerman, Senator Patterson was excused.

#### SECOND READING

SENATE BILL NO. 5413, by Senators Peterson, Patterson, Hansen, Garrett and Barr (by request of Department of Transportation)

Updating state highway descriptions.

The bill was read the second time.

## MOTION

On motion of Senator Hansen, the rules were suspended, Senate Bill No. 5413 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5413.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5413 and the bill passed the Senate by the following vote: Yeas, 38; nays, 8; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McDonald, Moore, Newhouse, Owen, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 38.

Voting nay: Senators Bottiger, Deccio, Lee, McCaslin, Metcalf, Nelson, Sellar, West - 8.

Excused: Senators McDermott, Patterson, Peterson - 3.

SENATE BILL NO. 5413, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5387, by Senators Conner, Craswell, Johnson, McDonald, Garrett, Stratton, Anderson, Rasmussen and Hayner

Expanding the church-related property tax exemption to leased property.

## MOTIONS

On motion of Senator Gaspard, Substitute Senate Bill No. 5387 was substituted for Senate Bill No. 5387 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Gaspard, the rules were suspended, Substitute Senate Bill No. 5387 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5387.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5387 and the bill passed the Senate by the following vote: Yeas, 42; nays, 5; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Peterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Stratton, Tanner, Vognild, von Reichbauer, Warnke, West, Zimmerman - 42.

Voting nay: Senators DeJarnatt, Rinehart, Talmadge, Williams, Wojahn - 5.

Excused: Senators McDermott, Peterson - 2.

SUBSTITUTE SENATE BILL NO. 5387, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5520, by Senators Halsan and McCaslin

Limiting improvements financed by improvement districts to two hundred percent of the amount originally proposed at the time the district was created.

## MOTIONS

On motion of Senator Halsan, Substitute Senate Bill No. 5520 was substituted for Senate Bill No. 5520 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Halsan, the rules were suspended, Substitute Senate Bill No. 5520 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5520.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5520 and the bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Sailing, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Craswell, Deccio - 2.

Excused: Senators McDermott, Peterson - 2.

SUBSTITUTE SENATE BILL NO. 5520, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5973, by Senators Rasmussen, Johnson, Wojahn, Bottiger, Gaspard, von Reichbauer, Moore, Smitherman, Vognild, Zimmerman, Nelson, Owen, Benitz, Newhouse, Craswell and Deccio

Authorizing state reinsurance of titles to tideland and river beds which may be subject to Indian ownership claims.

#### MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 5973 was substituted for Senate Bill No. 5973 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the rules were suspended, Substitute Senate Bill No. 5973 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Smitherman: "It is my understanding that the original settlement covered all properties when you talked about the reinsurance. It's my understanding now, that the reinsurance program would only apply to residential property owners in that area. I need a little clarification on that. Senator Gaspard, would you yield on that? Did you understand that this program now is addressing basically the reinsurance of residential properties and it doesn't, in fact, cover commercial property?"

Senator Gaspard: "Senator Smitherman, this bill before us really deals with two types of problems. The property that--the old river bed property of the Puyallup River and secondly, the tidelands area which is in the Port of--or city of Tacoma. The reinsurance program will only apply to the former river bed owners. It does not distinguish between residential or commercial."

#### POINT OF INQUIRY

Senator Bluechel: "Senator McDonald, is it the state's intention, by the passage of this bill, to admit to any liability in this situation?"

Senator McDonald: "Senator Bluechel, that was heavily debated in the committee and it's my clear understanding that, no, by striking the intent language, we indeed said, we are not liable and are admitting nothing."

Senator Bluechel: "Senator McDonald, the second question. What is the maximum value of the title reinsurance that it would take to cover this particular problem?"

Senator McDonald: "My understanding, Senator Bluechel, is that the language of this bill only covers the Puyallup River bed—the old Puyallup River bed and that the maximum is somewhere in the neighborhood of three to five million dollars."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5973.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5973 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McDermott, Peterson - 2.

SUBSTITUTE SENATE BILL NO. 5973, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6040, by Senators Halsan, Zimmerman, Garrett and McCaslin

Revising provisions of the audit services revolving fund.

The bill was read the second time.

#### MOTION

On motion of Senator Halsan, the rules were suspended, Senate Bill No. 6040 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 6040.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 6040 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McDermott, Peterson - 2.

SENATE BILL NO. 6040, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6003, by Senator Hansen

Changing provisions relating to nonrelinquishment of water rights.

The bill was read the second time.

#### MOTION

Senator Hansen moved that the following amendment be adopted:

On page 2, line 5, after "amended" strike remainder of material down to and including "States" on line 9 and insert ", or

(6) If a project or projects commenced with water withdrawn pursuant to RCW 90.40.030 have not been declared completed or abandoned by the United States acting by and through the secretary of the interior or such other duly authorized officer of the United States"

Debate ensued.

## POINT OF INQUIRY

Senator Talmadge: "Senator Hansen, could you define what 'lawyer talk' is?"

Senator Hansen: "To me, that's something that when I read it, it means one thing and when you read it, it means something else. They can add more to it. So, I thought it was plain and simple the way we had it first, but when Charlie Roe got through with me, I was definitely confused, so I said, 'Well, if that's what it has to be, let's put it in words that both you and I understand.'"

The President declared the question before the Senate to be adoption of the amendment by Senator Hansen.

The motion by Senator Hansen carried and the amendment was adopted.

## MOTION

On motion of Senator Hansen, the rules were suspended, Engrossed Senate Bill No. 6003 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 6003.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 6003 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Sailing, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McDermott, Peterson - 2.

ENGROSSED SENATE BILL NO. 6003, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 10:04 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 11:52 a.m. by President Cherberg.

## INTRODUCTION OF SPECIAL GUESTS

The President introduced former Senator H. A. "Barney" Goltz, a member of the Expo '86 World Fair Commission, who in turn introduced Ms. Evelyn Sun, Director of the Expo '86 World Fair Commission and her deputy, Roger Wilson, who were seated on the Senate Rostrum.

With permission of the Senate, business was suspended to permit Commissioner Goltz to address the Senate and give the final report of the Expo '86 Commission. Commissioner Goltz presented a check for \$410,000, the remaining balance in the Expo '86 fund, to President Cherberg for the general fund of the state of Washington.

The President also introduced Mrs. H. A. Goltz and Mrs. Frank Hansen who were seated in the gallery.

## MOTION

At 12:03 p.m., on motion of Senator Vognild, the Senate recessed until 2:00 p.m.

## AFTERNOON SESSION

The Senate was called to order at 2:02 p.m. by President Cherberg.

## SECOND READING

SENATE BILL NO. 5780, by Senators Bottiger and Hayner

Authorizing diversified investment of campaign funds.

The bill was read the second time.

## MOTION

On motion of Senator Vognild, the rules were suspended, Senate Bill No. 5780 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5780.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5780 and the bill passed the Senate by the following vote: Yeas, 44; absent, 3; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Parterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, West, Williams, Wojahn, Zimmerman - 44.

Absent: Senators Kiskaddon, Owen, Warnke - 3.

Excused: Senators McDermott, Peterson - 2.

SENATE BILL NO. 5780, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5097, by Senator Williams

Modifying provisions relating to utility regulation.

The bill was read the second time.

## MOTION

Senator Williams moved that the following amendment by Senators Williams and Benitz be adopted:

On page 4, after line 26, insert the following:

"Local exchange company" means a telecommunications company providing local exchange telecommunications service.

"Department" means the department of social and health services."

Debate ensued.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Williams, as you well know, the little charges that have been put on ever since deregulation is making it nearly impossible for the average citizen to maintain service. What do you anticipate the surcharge would be? Of course, the surcharge would be on top of all of the rest of the little increases we've had--the higher the increases go, the more the surcharge, I presume."

Senator Williams: "Right. The cost of the surcharge to Washington ratepayers would be between seven and twelve cents a month, depending on the threshold level. As we understand it, it would not exceed twelve cents a month for the average ratepayer."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Williams and Benitz.

The motion by Senator Williams carried and the amendment was adopted.

## MOTION

On motion of Senator Williams, the following amendment by Senators Williams and Benitz was adopted:

On page 5, after line 31, insert the following:

"(4) The implementation of lifeline service is a major policy change in available telecommunications service. The implementation of lifeline service will aid in achieving the stated goal of universal telephone service.

NEW SECTION. Sec. 3. The legislature finds that universal telephone service is an important policy goal of the state. The legislature further finds that recent changes in the telecommunications industry, such as federal access charges, raise concerns about the ability of low-income

persons to continue to afford access to local exchange telephone service. Therefore, the legislature finds that it is in the public interest to take steps to mitigate the effects of these changes on low-income persons.

**NEW SECTION.** Sec. 4. Lifeline assistance shall be available to participants of department programs set forth in section 9 of this act. Lifeline assistance shall consist of the following components:

(1) A discount on service connection fees of fifty percent as set forth in section 8 of this act.  
 (2) A waiver of deposit requirements on local exchange service, as set forth in section 8 of this act.

(3) A discounted flat rate lifeline service rate for local exchange service, which shall be subject to the following conditions:

(a) The commission shall establish a single lifeline service rate for all local exchange companies operating in the state of Washington. The lifeline service rate shall include any federal end user access charges and any other charges necessary to obtain local exchange service.

(b) The commission shall, in establishing the lifeline service rate, consider all charges for local exchange service, including federal end user access charges, mileage charges, extended area service, and any other charges necessary to obtain local exchange service.

(c) The lifeline service rate shall only be available to eligible customers subscribing to the lowest available local exchange flat rate service, where the lowest local exchange flat rate, including any federal end user access charges and any other charges necessary to obtain local exchange service, is greater than the lifeline service rate.

(d) The cost of providing the lifeline service shall be paid, to the maximum extent possible, by a waiver of all or part of the federal end user access charge and, to the extent necessary, from the lifeline fund created by section 5 of this act.

**NEW SECTION.** Sec. 5. Costs associated with lifeline telephone service shall be recovered through a lifeline surcharge on all other switched access lines. The lifeline surcharge shall be applied equally to all residential and business access lines not to exceed sixteen cents per month. All money collected from the lifeline surcharge shall be transferred to a lifeline fund administered by the department. Local exchange companies shall bill the fund for their expenses incurred in offering lifeline telecommunications services, including administrative and program expenses. The department shall disburse the money to the local exchange companies. The department shall recover its administrative costs from the fund.

**NEW SECTION.** Sec. 6. The commission and the department may adopt any rules necessary to implement sections 3 through 10 of this act.

**NEW SECTION.** Sec. 7. Lifeline service shall be limited to one residential access line per eligible household.

**NEW SECTION.** Sec. 8. Local exchange companies shall file tariffs with the commission which waive deposits on local exchange service for eligible subscribers and which establish a fifty percent discount on service connection fees for eligible subscribers. The remaining portion of the connection fee to be paid by the subscriber shall be expressly payable by installment fees spread over a period of months. A subscriber may, however, choose to pay the connection fee in a lump sum. Costs associated with the waiver and discount shall be accounted for separately and recovered from the lifeline fund. Eligible subscribers shall be allowed one waiver of a deposit and one discount on service connection fees per year.

**NEW SECTION.** Sec. 9. Participants in the following department programs are eligible for lifeline assistance: Aid to families with dependent children, chore services, food stamps, supplemental security income, refugee assistance, and community options program entry system (COPEs). The department shall notify the participants of their eligibility.

**NEW SECTION.** Sec. 10. The energy and utilities committees of the legislature shall review the results of the lifeline program and shall explore by December 15, 1989, whether additional lifeline measures are warranted.

**NEW SECTION.** Sec. 11. Sections 3 through 10 of this act are each added to chapter 80.36 RCW.

**NEW SECTION.** Sec. 12. Sections 3 through 10 of this act shall expire December 31, 1989, unless extended by the legislature."

#### MOTIONS

On motion of Senator Williams, the following title amendments were considered simultaneously and adopted:

On page 1, line 2 of the title, after ";" strike "and"

On page 1, line 3 of the title, after "80.04.130" insert "; adding new sections to chapter 80.36 RCW; and providing an expiration date"

On motion of Senator Williams, the rules were suspended. Engrossed Senate Bill No. 5097 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5097.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5097 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Peterson - 1.

ENGROSSED SENATE BILL NO. 5097, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### INTRODUCTION OF SPECIAL GUEST

The President introduced Frances Johnson seated on the rostrum. Ms. Johnson had just been named by Governor Gardner as Small Business Person of the Year for Washington State.

With permission of the Senate, business was suspended to permit Ms. Johnson to address the Senate.

The President appointed Senators Fleming, Rasmussen, Smitherman and Wojahn to escort the honored guest from the Senate Chambers.

#### SECOND READING

SENATE BILL NO. 5452, by Senators Wojahn, Kiskaddon, Deccio, Johnson, Stratton and Tanner (by request of Department of Social and Health Services)

Providing a prenatal care program.

#### MOTIONS

On motion of Senator Wojahn, Second Substitute Senate Bill No. 5452 was substituted for Senate Bill No. 5452 and the second substitute bill was placed on second reading and read the second time.

Senator McDonald moved that the following amendment by Senators McDonald and Vognild be adopted:

On page 2, line 14, after "one hundred" strike "eighty-five" and insert "fifty"

Debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Wojahn, at the one hundred fifty percent level, wouldn't we be able to serve more families than at the one hundred eighty-five percent?"

Senator Wojahn: "The whole thing, Slim, is that we are not going to serve all of the families anyway. After six years, this program will generate enough money to serve sixty-five percent of the state. Now, some of these women at a one hundred fifty percent of poverty are much more endangered and their baby is endangered and they could not come under this service even though there were people at one hundred fifty percent that were not as seriously endangered, so we need to keep this at one hundred eighty-five percent.

"The income level would be for a family of four at \$1,694.00 per month. That's very, very little and these people have no health insurance, so we need to raise that to one hundred eighty-five percent. Additionally, the WIC program--all of the programs dealing with maternal and family health that are with the federal guidelines are used--are at one hundred eighty-five percent poverty. Why should the state of Washington go down to one hundred fifty percent and not serve the most fragile of the people?"

Further debate ensued.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators McDonald and Vognild.

## ROLL CALL

The Secretary called the roll and the motion by Senator McDonald carried and the amendment was adopted by the following vote: Yeas, 28; nays, 19; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, Hayner, Johnson, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Vognilid, von Reichbauer, West, Zimmerman - 28.

Voting nay: Senators Bauer, Bender, Bottiger, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kiskaddon, Kreidler, Moore, Rinehart, Smitherman, Talmadge, Tanner, Warnke, Williams, Wojahn - 19.

Absent: Senator McDermott - 1.

Excused: Senator Peterson - 1.

## MOTION

Senator McDonald moved that the following amendment by Senators McDonald and Vognilid be adopted:

On page 2, after line 16, insert the following:

"(5) "Financial participation: means client payments toward the cost of comprehensive prenatal care."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators McDonald and Vognilid.

The motion by Senator McDonald failed and the amendment was not adopted.

## MOTION

On motion of Senator Wojahn, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5452 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute Senate Bill No. 5452.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute Senate Bill No. 5452 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Peterson - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5452, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5252, by Senators Bailey, Saling, Gaspard, Lee, Kiskaddon, von Reichbauer, Zimmerman, Bender, Rinehart, Bauer, Smitherman, Vognilid, Nelson, Johnson and Moore

Establishing a primary prevention program for child abuse and neglect.

## MOTIONS

On motion of Senator Gaspard, Second Substitute Senate Bill No. 5252 was substituted for Senate Bill No. 5252 and the second substitute bill was placed on second reading and read the second time.

Senator Pullen moved that the following amendment be adopted:

On page 2, after line 10, insert the following:

"NEW SECTION, Sec. 2. (1) A task force on education on the problems of child sexual abuse is created. The task force shall consist of not less than twelve members. The governor shall appoint the members of the task force choosing one person each representing: Child protective

service workers, law enforcement officers, judges, health care providers, prosecutors, defense attorneys, counselors working with abusers, counselors working with abused children, school counselors, educators, citizens interested and involved in child sexual abuse prevention, and citizens interested and involved in supporting parents' rights. Members of the task force shall serve without compensation but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(2) The task force shall develop a course to educate child protective service workers, law enforcement officers, judges, health care providers, prosecutors, defense attorneys, counselors working with abusers, counselors working with abused children, school counselors, educators, citizens interested and involved in child sexual abuse prevention, and citizens interested and involved in supporting parents' rights about the profile of an offender who sexually abuses children and the short-term and long-term effects of sexual abuse on a child and the child's family. An outline of the prospective course shall be developed within six months after the effective date of this section. The course shall be completed by June 30, 1988.

(3) The task force shall develop a plan for the distribution of the course throughout the state and shall include in the plan methods to encourage the use of the course.

(4) This section shall expire June 30, 1988."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

#### POINT OF INQUIRY

Senator Bottiger: "Senator Pullen, I have no objection to the amendment and I understand that Senator Gaspard has none either, but I wonder if you can explain to me the difference between a task force and a commission? I see that this task force gets compensation, that they meet and that they are subject to the RCWs that you've cited. I am just wondering whether those people who are keeping track of the commissions ought to add this or not--add this to their list?"

Senator Pullen: "No, Senator Bottiger, they should not add it to their list. Your question, however, is a good one and I am very, very happy that you are doing your best to try to keep such a group from proliferating. This particular group does expire next year, so it will not be a burden on government and, in fact, will be a big help in solving the child abuse problem."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Pullen.

The motion by Senator Pullen carried and the amendment was adopted.

#### MOTION

Senator Craswell moved that the following amendment by Senators Craswell, Tanner, Smitherman, Pullen, McDonald, Owen, Vognild, Metcalf and Stratton be adopted:

On page 6, after line 21, insert the following:

NEW SECTION, Sec. 6. A new section is added to chapter 74.15 RCW to read as follows:

As a condition of licensure of a child care facility under this chapter, corporal punishment is prohibited except that spanking with the flat of the hand on the buttocks in a manner that does not result in bruises or other physical harm shall be permitted when other methods of discipline are found to be ineffective. The use of such amounts of physical restraint as may be reasonable and necessary to:

- (1) Protect persons on the premises from physical injury;
- (2) Obtain possession of a weapon or other dangerous object; and
- (3) Protect property from serious damage

shall not be construed to constitute corporal punishment.

#### POINT OF ORDER

Senator Talmadge: "Mr. President, a point of order. I believe the amendment offered by Senator Craswell, et al, expands the scope and object of Second Substitute Senate Bill No. 5252. The bill is a bill relating to an educational program--a curriculum for child abuse prevention. The amendment offered by Senator Craswell is an amendment that deals with the licensure of various child care agencies. For that reason, I believe the amendment expands the scope and object of the bill."

Debate ensued.

## MOTION

On motion of Senator Vognild, further consideration of Second Substitute Senate Bill No. 5252 was deferred.

## SECOND READING

SENATE BILL NO. 5659, by Senators Wojahn, Talmadge, Kreidler, Fleming, Kiskaddon and Nelson (by request of Governor Gardner)

Providing for services for the protection of children.

## MOTIONS

On motion of Senator Wojahn, Second Substitute Senate Bill No. 5659 was substituted for Senate Bill No. 5569 and the second substitute bill was placed on second reading and read the second time.

Senator Craswell moved that the following amendments by Senators Craswell, Stratton, Nelson and Owen be considered simultaneously and adopted:

On page 3, line 6, strike "best interest" and insert "safety"

On page 3, beginning on line 10, after "intact" strike all material down to and including line 15 and insert "in the absence of compelling evidence to the contrary. When the safety of the child and the legal rights of the parents are in conflict, the safety of the child should prevail."

Debate ensued.

## MOTION

On motion of Senator Lee, the question was divided and the amendments were considered separately.

The President declared the question before the Senate to be adoption of the first amendment by Senators Craswell, Stratton, Nelson and Owen on page 3, line 6.

Debate ensued.

## POINT OF INQUIRY

Senator Bottiger: "Senator Lee, my concern is that best interest is the standard that we've used in domestic relations for sometime and as we change to safety, what would be your understanding of a parent who did not take their children to a dentist and the school nurse indicated that the children needed to go to a dentist, but the parent, for whatever reason, just didn't bother? Would that pertain to safety? Would we still be in a situation where the Department could, at least, have some standing to consider of whether that child should be removed from the home?"

Senator Lee: "Quite possibly. If they didn't take them to the dentist and there is nothing wrong with their teeth, then it's not a safety issue. I agree that this language is often used in the settlement in divorce courts and so on when you're talking about best interests, but here we are talking about removing a child from their parents through the action of the state, not some kind of dissolution process."

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Craswell, Stratton, Nelson and Owen on page 3, line 6.

## ROLL CALL

The Secretary called the roll and the motion by Senator Craswell failed and the amendment was not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Barr, Benitz, Cantu, Conner, Craswell, Deccio, Garrett, Johnson, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, von Reichbauer, West, Zimmerman - 24.

Voting nay: Senators Anderson, Bailey, Bauer, Bender, Bluechel, Bottiger, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, McDermott, Moore, Peterson, Rinehart, Smitherman, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 25.

The President declared the question now before the Senate to be adoption of the second amendment by Senators Craswell, Stratton, Nelson and Owen on page 3, line 10.

Debate ensued.

Senator Talmadge demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Craswell, Stratton, Nelson and Owen on page 3, line 10.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Craswell failed and the amendment was not adopted by the following vote: Yeas, 15; nays, 34.

Voting yeas: Senators Benitz, Cantu, Craswell, Deccio, Hansen, Johnson, McDonald, Metcalf, Owen, Patterson, Pullen, Rasmussen, Stratton, West, Zimmerman - 15.

Voting nays: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, Moore, Nelson, Newhouse, Peterson, Rinehart, Saling, Sellar, Smitherman, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 34.

#### MOTION

Senator Craswell moved that the following amendment by Senators Craswell, Stratton and Owen be adopted:

On page 6, line 28, strike "Five" and insert "Ten"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Craswell, Stratton and Owen.

The motion by Senator Craswell carried and the amendment was adopted.

#### MOTIONS

On motion of Senator Anderson, the following amendments by Senators Anderson and Wojahn were considered simultaneously and adopted:

On page 11, line 7, after "(2)" insert "(c) through (f)"

On page 11, line 10, after "under" delete "eighteen months" and insert "two years"

On page 11, beginning on line 11, delete "(b)" down to and including "evidence;" on line 13

Renumber the remaining subsections accordingly

On page 11, line 20, after "of the" delete "parents, guardians, or caretakers on at least one occasion in a disposition hearing pursuant to RCW 13.34.130" and insert "parent, pursuant to a finding of dependency under RCW 13.34.130"

On page 11, following line 21, insert the following:

"(e) the parent is incapable of providing adequate parental care for the child; and

(f) The parental deficiencies cannot be remedied by any reasonably available service program within the near future."

On page 11, line 22, after "(2)" insert "(c) through (f)"

On page 11, beginning on line 27, after "of the" delete "parents, guardians, or caretakers and the child was not returned to the parents, guardians, or caretakers at the time of the disposition hearing" and insert "parent, pursuant to a finding of dependency under RCW 13.34.030(2)"

On page 11, line 31, after "child" insert "due to the parent's chronic psychological problems"

On page 11, line 32, after "(d)" strike all material down to and including "evidence" and insert "The parental deficiencies cannot be remedied by any reasonably available service program within the near future"

On page 12, line 12, after "(2)" insert ", (3), or (4)"

On page 12, line 16, delete "(3), (4), or"

On page 12, line 17, after "doubt" delete ", except as otherwise provided by RCW 13.34.180"

On motion of Senator Anderson, the following amendments by Senators Anderson and Wojahn were considered simultaneously and adopted:

On page 7, beginning on line 32, strike all of Section 7.

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 16, line 2, following "neglect," strike all material down to and including "neglect," on line 7 and insert "In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect."

## MOTION

Senator Craswell moved that the following amendment by Senators Craswell and Owen be adopted:

On page 10, beginning on line 17, strike all material down to and including line 19 on page 12 and insert the following:

"Sec. 8. Section 46, chapter 291, Laws of 1977 ex. sess. as amended by section 47, chapter 155, Laws of 1979 and RCW 13.34.180 are each amended to read as follows:

A petition seeking termination of a parent and child relationship may be filed in juvenile court. Such petition shall conform to the requirements of RCW 13.34.040 (~~as now or hereafter amended~~) and shall allege:

- (1) That the child has been found to be a dependent child under RCW 13.34.030(2); and
- (2) That the court has entered a dispositional order pursuant to RCW 13.34.130; and
- (3) That the child has been removed or will, at the time of the hearing, have been removed from the custody of the parent for a period of at least six months pursuant to a finding of dependency under RCW 13.34.030(2); and
- (4) That the services ordered under RCW 13.34.130 have been offered or provided and all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been offered or provided; and
- (5) That there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future; and
- (6) That continuation of the parent and child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home;

(7) In lieu of the allegations in subsections (1) through (6) of this section, the petition may allege that the child was found under such circumstances that the ~~(identity and)~~ whereabouts of the child's parent are unknown and no ~~(parent has claimed)~~ person has acknowledged paternity or maternity and requested custody of the child within two months after the child was found."

Renumber the sections consecutively and correct internal references accordingly.

Debate ensued.

Senator Talmadge demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Craswell and Owen.

## ROLL CALL

The Secretary called the roll and the motion by Senator Craswell failed and the amendment was not adopted by the following vote:

Yeas, 8; nays, 41.

Voting yea: Senators Benitz, Craswell, Johnson, Metcalf, Owen, Patterson, Rasmussen, Stratton - 8.

Voting nay: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Moore, Nelson, Newhouse, Peterson, Pullen, Rinehart, Saling, Sellar, Smitherman, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 41.

## MOTION

Senator Rasmussen moved that the following amendment by Senators Rasmussen, Deccio, Owen, Tanner, Craswell, Pullen, Lee, Zimmerman, Hansen and Stratton be adopted:

On page 15, line 4, after "safety" insert "AND PROVIDED FURTHER, That nothing in this section shall be used to prohibit the reasonable use of corporal punishment as a means of discipline."

Debate ensued.

## POINT OF INQUIRY

Senator Talmadge: "Senator Rasmussen, I assume when you use the term 'reasonable use of corporal punishment as a means of discipline' that you are thinking in terms of the statutory section that provides the definition of corporal punishment--reasonable corporal punishment that is an exception, or a defense to the crime of assault that was worked on by the Senate last year?"

Senator Rasmussen: "Yes, I don't assume that corporal punishment is beating someone to death--no. But, I do think, Senator Talmadge, and this is not really an answer to your question, that a little corporal punishment early in life would

maybe stop some of the murders and mayhem that we are having this day and age by the younger generation. I call it the 'Spock' generation. The thing that bothers me and all the law authorities say that we are getting a very violent juvenile group and the reason they are violent, of course, is because they were not started in life right, in my opinion."

#### POINT OF INQUIRY

Senator Wojahn: "Senator Rasmussen, don't you think that if a child is abused and beaten and spanked that he then, becomes an abusive parent--that person becomes abusive?"

Senator Rasmussen: "I don't think so, no, Senator Wojahn."

Senator Wojahn: "Do you think it's all right to spank even if you spank in the wrong places and hard? You think it's okay to spank a child?"

Senator Rasmussen: "You have to be reasonable as defined and I think that all children don't need it. Every once in a while a child needs it. I didn't prune my apple tree down to the stub because I was whipping my kids. Once in a while, they needed a little stroke--it impressed on them that some of the things they were doing were wrong. Now, whether you do it with a switch, a ruler, as they do in school, or a swat with the flat of the hand, it improves the disposition."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Rasmussen, Deccio, Owen, Craswell, Pullen, Lee, Zimmerman, Tanner, Stratton and Hansen.

The motion by Senator Rasmussen carried and the amendment was adopted.

#### MOTION

Senator Craswell moved that the following amendment by Senators Craswell and Owen be adopted:

On page 17, beginning on line 25, strike "licensed practitioner of the healing arts" and insert "physician licensed under chapter 18.57 or 18.71 RCW"

#### POINT OF INQUIRY

Senator Deccio: "Senator Craswell, I haven't read this whole thing, but what about a teacher?"

Senator Craswell: "Senator Deccio, I think you are referring to the section of the law that says who must report a suspected case of child abuse and that is teachers and all health professionals. This is a different section of the bill that's talking about the one particular incident where child abuse is automatically substantiated. That means CPS doesn't have to check any further to see whether child abuse actually did occur. That's where they can call in a physician and he can check the child and based on his expert medical advice, then the case is automatically substantiated without any further checking, or talking to people, or further investigation. That's where the language is used that we are addressing here."

Senator Deccio: "What about a dentist or a chiropractor?"

Senator Craswell: "The way the bill is drafted now, it would say the expert medical opinion of dentists, chiropractors, optometrists, podiatrists, pharmacists, x-ray technicians--you name it. All of those people could, with their expert medical opinion, automatically substantiate a case. I don't think that's what anybody intended. I think they were talking about doctors, licensed physicians and osteopaths. I believe we want somebody who has studied medicine, so that they can give expert medical opinions."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Craswell and Owen.

The motion by Senator Craswell carried and the amendment was adopted.

#### MOTION

Senator Craswell moved that the following amendments by Senators Craswell and Owen be considered simultaneously and adopted:

On page 17, line 29, after "unless" strike "both"

On page 17, line 29, after "practitioner" strike "and" and insert "or"

On page 17, line 30, after "services" strike "agree" and insert "determine"

On page 17, line 31, after "incorrect." strike all material down to and including "depart-  
ment." on line 32

Debate ensued.

#### MOTION

Senator Rasmussen moved that the question be divided.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Rasmussen that the question be divided.

The motion by Senator Rasmussen carried and the amendments on page 17, line 29; page 17, line 29 and page 17, line 30, will be considered simultaneously and the amendment on page 17, line 31, will be considered separately.

Debate on the three amendments on page 17, line 29; page 17, line 29 and page 17, line 30, ensued.

The President declared the question before the Senate to be adoption of the amendments by Senators Craswell and Owen on page 17, line 29; page 17, line 29 and page 17, line 30.

The motion by Senator Craswell failed and the amendments were not adopted.

The President declared the question now before the Senate to be adoption of the amendment by Senators Craswell and Owen on page 17, line 31.

#### MOTION

On motion of Senator Craswell, and there being no objection, the amendment on page 17, line 31, was withdrawn.

#### MOTION

Senator Craswell moved that the following amendments by Senators Craswell, Stratton and Owen be considered simultaneously and adopted:

On page 18, line 2, strike "without" and insert "after providing"

On page 18, line 3, strike "or consent"

On page 18, line 5, after "parents" and before the period insert ": PROVIDED, That the par-  
ents may require that a person of their choosing be present during the interview"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senators Craswell, Stratton and Owen.

The motion by Senator Craswell carried and the amendments were adopted.

#### MOTION

Senator Craswell moved that the following amendment by Senators Craswell and Owen be adopted:

On page 24, after line 5, insert the following:

"NEW SECTION. Sec. 18. A new section is added to chapter 74.14A RCW to read as follows:

(1) Each local office of the division of children and family services, or its successor, within the department of social and health services shall establish an accountability board to review petitions regarding the decisions, conduct, or performance of the employees of the local office.

(2) Members of each accountability board shall be appointed by a committee consisting of:

(a) A member of the legislative authority of each county in the office's service area; and

(b) A member of the legislative authority of each city within the office's service area.

(3) The committee shall accept applications for membership on the accountability board from any persons who (a) are not employed by the division of children and family services or any other child care agency, and (b) have not had under the care, custody, or control of the division of children and family services within the previous two years any children of their own or other children entrusted to their care. In making appointments to the board, the committee shall consider the criminal history of the applicant, who shall consent to release of such information to the committee.

(4) Members of the board shall not serve in excess of one year unless other applicants are not available. The committee may dismiss a member of the board for good cause, including the improper release of any confidential information obtained in the course of the board's work.

(5) Each accountability board may adopt bylaws or rules governing its procedures consistent with this section and section 19 of this act. The department shall assign an employee to serve as a resource person for each board.

NEW SECTION. Sec. 19. A new section is added to chapter 74.14A RCW to read as follows:

(1) A board of accountability established under section 18 of this act shall review any petition alleging wrongdoing based on the decisions, performance, or conduct of a local employee of the division of children and family services if:

(a) The petition is brought by a parent whose child has been removed from the home by action of an employee of the division and the child is currently in an out-of-home placement. At the time the child is removed, the department shall directly notify the child's parents, orally or in writing, that a petition may be filed with the accountability board as provided in this section;

(b) The parent has first registered a written complaint with the area manager of the division office involved in the case. The area manager shall respond in writing to the complaint within twenty days. If the response is not satisfactory or timely, the parent may then petition the board.

(c) The parent states in the petition the names and ages of the children involved, the specific wrongdoing by the division employee, the desired action, and what steps the parent has taken to resolve the problem. A copy of the complaint to the area manager and response, if any, shall be attached to the petition.

(2) The board may provide forms for petitions but shall accept a petition in any form that substantially meets the requirements of this section. Following acceptance of the petition, the board may, at its discretion, review any information in the file, and conduct interviews with the parents and division employees. All information reviewed by the board shall be confidential.

(3) The board shall respond in writing to the parent within forty-five days from the date a valid petition is filed. In its response, the board shall state whether or not it believes there was any wrongdoing based on the division employee's decisions, performance, or conduct. The board shall recommend what action, if any, is indicated, which may include returning the child to the parent or recommending a reprimand, suspension, termination, or further training of an employee. A copy of the board's response shall become part of the division's file on the case, one copy shall be sent to the court having jurisdiction on the case, and one copy shall be sent to the director of the division.

(4) The remedies provided by this section are cumulative and are in addition to any other remedies provided by law."

Debate ensued.

Senator Talmadge demanded a roll call and the demand was sustained.

Further debate ensued.

#### POINT OF INQUIRY

Senator Kiskaddon: "Senator Craswell, in some of hearings we had, the CPS workers found it difficult to respond because they keep the case file confidential. Would it be your intent with this committee, that the committee would review in detail, every part of the record that the CPS case worker has in deciding what was happening in the case?"

Senator Craswell: "I believe the accountability board could review the details of the case so that they could make an adequate decision."

Further debate ensued.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Craswell and Owen.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Craswell carried and the amendment was adopted by the following vote: Yeas, 30; nays, 19.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Tanner, von Reichbauer, West, Zimmerman - 30.

Voting nay: Senators Bauer, Bender, Bottiger, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Kreidler, McDermott, Moore, Peterson, Rinehart, Smitherman, Talmadge, Vognilid, Warnke, Williams, Wojahn - 19.

#### MOTION

On motion of Senator Craswell, the following title amendment was adopted:

On page 1, line 5 of the title, after "13.34.060;" insert "adding new sections to chapter 74.14A RCW;"

On motion of Senator Wojahn, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5659 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Talmadge: "Senator Wojahn, on page 18, lines 14 and 15 of the bill in subsection 12, it indicates that the Department of Social and Health Services may establish intake and assessment criteria and identify risks in order to deliver appropriate services. Is it your understanding of that particular section that the Department may only establish those standards and not actually implement them?"

Senator Wojahn: "No, I think that they will not implement them if there is a problem out there and given the necessary funding, they should be able to assess and come up with the right assessment on occasion. I don't think they should be allowed to assess and then ignore."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute Senate Bill No. 5659.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute Senate Bill No. 5659 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5659, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Second Substitute Senate Bill No. 5252 and the pending amendment by Senators Craswell, Tanner, Smitherman, Pullen, McDonald, Owen, Vognilid, Metcalf and Stratton on page 6, line 22, deferred earlier today.

#### RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Talmadge, the President finds that Second Substitute Senate Bill No. 5252 is a measure establishing a primary prevention program for child abuse and neglect with the office of the Superintendent of Public Instruction as the lead agency in cooperation with the Department of Social and Health Services and the Department of Community Development.

"The amendment proposed by Senators Craswell, Tanner, Smitherman, Pullen, McDonald, Owen, Vognilid, Metcalf and Stratton prohibits corporal punishment, except spanking in certain circumstances, as a condition of licensure of a child care facility.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senators Craswell, Tanner, Smitherman, Pullen, McDonald, Owen, Vognilid, Metcalf and Stratton was ruled out of order.

#### MOTIONS

On motion of Senator Pullen, the following title amendment was adopted:  
On page 1, line 3 of the title, strike "a new section" and insert "new sections"

On motion of Senator Gaspard, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5252 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute Senate Bill No. 5252.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute Senate Bill No. 5252 and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Barr - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5252, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5757, by Senators Stratton, Deccio, Halsan, Smitherman, Anderson, Johnson, Saling and Moore

Authorizing a feasibility study of state-wide data base clearinghouse for the prevention of child abuse and neglect.

The bill was read the second time.

## MOTION

Senator McDermott moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that national data base clearinghouses which provide data that aids in the prevention of child abuse and neglect do not reflect local resources and that turnaround times for requests from national data base clearinghouses has proven excessively cumbersome.

NEW SECTION. Sec. 2. (1) The Washington council for the prevention of child abuse and neglect shall establish a state-wide data base clearinghouse. The clearinghouse shall reflect state resources and be available to all subscribers state-wide and may include the following information on child abuse and neglect:

- (a) Current state and local preventative programs;
- (b) Promising future programs and concepts in prevention;
- (c) Research and its results in prevention;
- (d) Resources available on the state and local level;
- (e) Instrument availability;
- (f) Audio visual information and availability; and
- (g) State law and tribal codes on child abuse and neglect.

(2) The council shall report to the legislature no later than January 1, 1989, regarding:

- (a) The number and nature of inquiries to the clearinghouse;
- (b) Costs related to maintenance of the clearinghouse; and
- (c) Funding sources for the clearinghouse.

NEW SECTION. Sec. 3. There is appropriated from the general fund to the Washington council for the prevention of child abuse for the biennium ending June 30, 1989, the sum of fifty thousand dollars, or so much thereof as may be necessary, to carry out the purposes of this act.

NEW SECTION. Sec. 4. This act shall expire July 1, 1989."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator McDermott.

The motion by Senator McDermott carried and the amendment was adopted.

## MOTIONS

On motion of Senator McDermott, the following title amendment was adopted:

On page 1, line 1 of the title, after "neglect;" strike the remainder of the title and insert "creating new sections; making an appropriation; and providing an expiration date."

On motion of Senator McDermott, the rules were suspended, Engrossed Senate Bill No. 5757 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5757.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5757 and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yeas: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Barr - 1.

ENGROSSED SENATE BILL NO. 5757, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Zimmerman, Senator Barr was excused.

## SECOND READING

SENATE BILL NO. 5063, by Senators Talmadge, Nelson, Newhouse, Bottiger, Moore, Vognild, Gaspard, Deccio and Rasmussen

Revising provisions relating to information on child and adult abuse.

## MOTIONS

On motion of Senator Talmadge, Second Substitute Senate Bill No. 5063 was substituted for Senate Bill No. 5063 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Second Substitute Senate Bill No. 5063 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Second Substitute Senate Bill No. 5063.

## ROLL CALL

The Secretary called the roll on final passage of Second Substitute Senate Bill No. 5063 and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yeas: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Voting nays: Senator Pullen - 1.

Excused: Senator Barr - 1.

SECOND SUBSTITUTE SENATE BILL NO. 5063, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5553, by Senators Talmadge, Wojahn, Kiskaddon, Stratton, Kreidler, Craswell, McCaslin, Nelson, Moore and von Reichbauer

Establishing the children and family services pilot project.

## MOTIONS

On motion of Senator Talmadge, Second Substitute Senate Bill No. 5553 was substituted for Senate Bill No. 5553 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the following amendments were considered simultaneously and adopted:

On page 5, line 10, after "agency" delete "selected by the department and" and insert "under a contract with the legislative budget committee, in consultation with"

On page 5, line 12, after "services," insert "The independent contract agency shall participate in the development of criteria and methods for collecting data necessary for the evaluation, as required by section 4 (4) of this act."

Senator Hayner moved that the following amendment by Senators Hayner and McDermott be adopted:

On page 5, after line 23, insert the following:

**"NEW SECTION, Sec. 7.** If specific funding for this act, referencing this act by bill number, is not provided by the legislature by July 1, 1988, this act shall be null and void. This act shall be of no effect unless such specific funding is so provided. If such funding is so provided, this act shall take effect when the legislation providing the funding takes effect."

Remember the remaining sections consecutively.

On motion of Senator Talmadge, the following amendment to the amendment was adopted:

On line 4 of the amendment by Senators Hayner and McDermott, strike "by the legislature"

The President declared the question before the Senate to be adoption of the amendment by Senators Hayner and McDermott, as amended.

The motion by Senator Hayner carried and the amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Hayner, the following title amendment was adopted:

On page 1, line 2, after "sections," insert "providing an effective date."

On motion of Senator Talmadge, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5553 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute Senate Bill No. 5553.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute Senate Bill No. 5553 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCasin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5553, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6013, by Senators Kreidler and Wojahn

Establishing the office of child care resources.

#### MOTIONS

On motion of Senator Kreidler, Substitute Senate Bill No. 6013 was substituted for Senate Bill No. 6013 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kreidler, the following amendment by Senators Kreidler and Stratton was adopted:

On page 1, line 26, after "services" insert "under the assistant secretary for children, youth and family services"

On motion of Senator Kreidler, the rules were suspended, Engrossed Substitute Senate Bill No. 6013 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 6013.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 6013 and the bill passed the Senate by the following vote: Yeas, 39; nays, 9; absent, 1.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, West, Williams, Wojahn, Zimmerman - 39.

Voting nay: Senators Barr, Benitz, Craswell, Deccio, McCaslin, McDonald, Metcalf, Nelson, Pullen - 9.

Absent: Senator von Reichbauer - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6013, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 5:41 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 5:56 p.m. by President Cherberg.

## SECOND READING

SENATE BILL NO. 5519, by Senators Halsan and McCaslin

Providing for vesting of rights in specified situations.

## MOTIONS

On motion of Senator Halsan, Substitute Senate Bill No. 5519 was substituted for Senate Bill No. 5519 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Halsan, the rules were suspended, Substitute Senate Bill No. 5519 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5519.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5519 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Tanner, Vognild, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senator Talmadge - 1.

Absent: Senators Kiskaddon, von Reichbauer - 2.

SUBSTITUTE SENATE BILL NO. 5519, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5321, by Senators Fleming, Warnke, Zimmerman, Lee, Saling, McDermott, Stratton, Owen, Rinehart, Kiskaddon and Moore

Providing for lower property tax on buildings used for low-income housing.

The bill was read the second time.

## MOTION

Senator Fleming moved that the following amendment be adopted:

On page 2, line 25, after "department of" strike "labor" and insert "housing and urban development"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Fleming.

The motion by Senator Fleming carried and the amendment was adopted.

#### MOTIONS

On motion of Senator Fleming, the following amendments were considered simultaneously and adopted:

On page 3, line 35, strike "and" and insert "or"

On page 4, line 4, strike "and" and insert "or"

On motion of Senator Fleming, the following amendment was adopted:

On page 6, after line 27, strike all material down through line 18, page 8 and insert the following:

**NEW SECTION.** Sec. 8. When land has once been classified under this chapter, it shall remain under such classification and shall not be applied to other use for at least ten years from the date of classification and shall continue under such classification until and unless withdrawn from classification after notice of request for withdrawal shall be made by the owner. During any year after eight years of the initial ten-year classification period have elapsed, notice of request for withdrawal of all or a portion of the land, which shall be irrevocable, may be given by the owner to the county assessor or assessors of the county or counties in which such land is situated. In the event that a portion of a parcel is removed from classification, the remaining portion must meet the same requirements as did the entire parcel when such land was originally granted classification pursuant to this chapter. Within seven days the county assessor shall transmit one copy of such notice to the reviewing official which originally approved the application. The county assessor or assessors, as the case may be, shall, when two assessment years have elapsed following the date of receipt of such notice, withdraw such land from such classification and the land shall be subject to the additional tax due under section 12 of this act: PROVIDED, That agreement to tax according to use shall not be considered to be a contract and can be abrogated at any time by the legislature in which event no additional tax or penalty shall be imposed.

**NEW SECTION.** Sec. 9. When land which has been classified under this chapter, except through compliance with section 8 of this act, or except as a result solely from any one of the conditions listed in section 12(5) of this act, the owner shall within sixty days notify the county assessor of such change in use and additional real property tax shall be imposed upon such land in an amount equal to the sum of the following:

(1) The total amount of the additional tax due under section 12 of this act; plus

(2) A penalty amounting to twenty percent of the amount determined in subsection (1) of this section.

Any person who has information that the property no longer qualifies for the classification may supply the information to the county assessor. Upon receipt of such information, the county assessor shall promptly refer the matter to the reviewing official for a report and recommendation on whether the property should be removed from classification.

**NEW SECTION.** Sec. 10. The additional tax and penalties, if any, provided by sections 8 and 9 of this act shall be extended on the tax roll and shall be, together with the interest thereon, a lien on the land to which such tax applies as of January 1st of the year for which such additional tax is imposed. Such lien shall have priority as provided in chapter 84.60 RCW: PROVIDED, That for purposes of all periods of limitation of actions specified in Title 84 RCW, the year in which the tax became payable shall be as specified in section 11 of this act.

**NEW SECTION.** Sec. 11. The additional tax, penalties, and/or interest provided by sections 8 and 9 of this act shall be payable in full thirty days after the date which the treasurer's statement therefor is rendered. Such additional tax when collected shall be distributed by the county treasurer in the same manner in which current taxes applicable to the subject land are distributed.

**NEW SECTION.** Sec. 12. (1) When land has once been classified under this chapter, a notation of such designation shall be made each year upon the assessment and tax rolls and such land shall be valued pursuant to this chapter until removal of all or a portion of such designation by the assessor upon occurrence of any of the following:

(a) Receipt of notice from the owner to remove all or a portion of such designation;

(b) Sale or transfer to an ownership making all or a portion of such land exempt from ad valorem taxation;

(c) Sale or transfer of all or a portion of such land to a new owner, unless the new owner has signed a notice of classification continuance. The signed notice of continuance shall be attached to the real estate excise tax affidavit provided for in RCW 82.45.120. The notice of continuance shall be on a form prepared by the department of revenue. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all additional taxes calculated pursuant to subsection (3) of this section shall become due and payable by the seller or transferor at time of sale. The county auditor shall not accept an instrument of conveyance of classified land for filing or recording unless the new owner has signed the notice of continuance or the additional tax has been paid. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (3) of this

section to the county board of equalization. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals:

(d) Determination by the reviewing official, after giving the owner written notice and an opportunity to be heard, that all or a portion of such land is no longer primarily devoted to and used for the purposes under which it was granted classification.

(2) Within thirty days after such removal of all or a portion of such land from current use classification, the assessor shall notify the owner in writing, setting forth the reasons for such removal. The seller, transferor, or owner may appeal such removal to the county board of equalization.

(3) Unless the removal is reversed on appeal, the assessor shall revalue the affected land with reference to full market value on the date of removal from classification. Both the assessed valuation before and after the removal of classification shall be listed and taxes shall be allocated according to that part of the year to which each assessed valuation applies. Except as provided in subsection (5) of this section, an additional tax shall be imposed which shall be due and payable to the county treasurer thirty days after the owner is notified of the amount of the additional tax. As soon as possible, the assessor shall compute the amount of such an additional tax and the treasurer shall mail notice to the owner of the amount thereof and the date on which payment is due. The amount of such additional tax shall be equal to:

(a) The difference between the property tax paid as property "devoted to low-income housing" and the amount of property tax otherwise due and payable for the seven years last past had the land not been so classified; plus

(b) Interest upon the amounts of such additional tax paid at the same statutory rate charged on delinquent property taxes from the dates on which such additional tax could have been paid without penalty if the land had been assessed at a value without regard to this chapter.

(4) Additional tax, together with applicable interest thereon, shall become a lien on such land which shall attach at the time such land is removed from current use classification under this chapter and shall have priority to and shall be fully paid and satisfied before any recognition, mortgage, judgment, debt, obligation, or responsibility to or with which such land may become charged or liable. Such lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. Any additional tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(5) The additional tax specified in subsection (3) of this section shall not be imposed if the removal of designation pursuant to subsection (1) of this section resulted solely from:

(a) A taking under exercise of the power of eminent domain or a transfer to a condemning authority under threat of an exercise of the power of eminent domain;

(b) A transfer to a use that is exempt from property taxes;

(c) A change in the law or land use regulations that precludes use of the property for low income housing;

(d) Destruction of the property, or such severe damage as to render the premises untenable, through a natural disaster, such as flood, landslide, or earthquake, or a calamity beyond the owner's control, such as fire."

Remember the remaining sections and correct internal references accordingly.

#### MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 5321 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator McCaslin: "Senator Fleming, I'm not quite sure what is going on here, but let me ask you this question. If a developer built an apartment house in a low income area--let's say its value is a million dollars, and then he built one in the--I don't know the wealthy district in Seattle--but let's say in the Lake Washington area, for a million dollars, would there be a difference in the assessed value of those two million dollar apartment houses?"

Senator Fleming: "Senator, there are certain criteria set up in here and you'd have to meet certain kinds of criteria to be able to get into this area and those criteria would say that is okay, once you've met those criteria. For instance, much of this would be used in dilapidated areas--run down areas down town. If that property was being used at its current value, it is my understanding, if you've met these criteria, then you would apply and the local government entities would review this from those criteria. Once you apply for that, then if you built that apartment,

regardless of what the amount you have spent on the cost or value of it, I can't say what the value would be, but once you've built those and as long as you've met the criteria, that a certain percentage of those in that particular area were used for low income housing then you would be assessed at that current use, rather than what it could be used—its highest and its best use.

"If, in fact, once you decided to come out of that, then you would be required to stay in there for ten years. You give notice at the end of eight; you are required to stay there for ten. If you got out of there before, you would be required to pay interest, penalties and back taxes. It is no different than what you do with your farm land at this point in this time. Whether you talk about a million dollar house, or whether you talk about a three million dollar farm, there is no difference as long as you keep it in that use."

Further debate ensued.

#### MOTION

On motion of Senator Zimmerman, Senators Decchio and von Reichbauer were excused.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5321.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5321 and the bill passed the Senate by the following vote: Yeas, 32; nays, 15; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McDermott, Moore, Nelson, Owen, Patterson, Peterson, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognil, Warnke, Williams, Wojahn, Zimmerman - 32.

Voting nay: Senators Anderson, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, McCaslin, McDonald, Metcalf, Newhouse, Pullen, Rasmussen, Sellar, West - 15.

Excused: Senators Decchio, von Reichbauer - 2.

ENGROSSED SENATE BILL NO. 5321, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5113, by Senators Peterson, Bender, McDermott, Kreidler, Vognil, Fleming, Bauer, DeJarnatt, Stratton, Garrett, Rasmussen and Moore

Reducing auto insurance rates based on safety belt and passive restraint usage.

#### MOTIONS

On motion of Senator Hansen, Substitute Senate Bill No. 5113 was substituted for Senate Bill No. 5113 and the substitute bill was placed on second reading and read the second time.

Senator Bender moved that the following amendment be adopted:

On page 1, after line 24, insert the following:

**NEW SECTION.** Sec. 3. The insurance commissioner shall effect a reduction in motor vehicle insurance premiums that reflects the savings attributable to the mandatory use of seat belts, child restraints, and other lifesaving devices. The reduction shall take effect when the statewide usage of seat belts exceeds fifty-five percent. The reduction shall be not less than fifteen percent of the average motor vehicle premium for the previous year.

**NEW SECTION.** Sec. 4. (1) The motor vehicle insurance rate reductions required by this chapter apply to insurance policies issued or renewed after July 1, 1987.

(2) All policies issued that include a rate reduction pursuant to this chapter shall identify the amount of reduction and the reasons for the reduction.

(3) Any insured who has been cited for violation of the mandatory seat belt or child restraint law shall not qualify for a rate reduction for the next policy period.

**NEW SECTION.** Sec. 5. The commissioner, in consultation with the Washington traffic safety commission, shall adopt, pursuant to chapter 34.04 RCW, definitions of "air bags" and "passive restraint devices" and any other terms the commissioner determines to be necessary. The commissioner may adopt other rules pursuant to chapter 34.04 RCW for the implementation of this chapter."

## POINT OF INQUIRY

Senator Pullen: "Senator Bender, would you tell us some of the differences between your amendment and the basic bill? I think the words you used in your speech could apply equally well to the bill or your amendment. Perhaps, you could clarify the differences?"

Senator Bender: "The basic difference is that we are mandating that there is a fifteen percent reduction in the premiums and the bill, basically, leaves it up to the Insurance Commissioner's office. He can either give you five percent or there can be no percentage whatsoever. It, basically, is in the hands of the Insurance Commissioner's office."

Further debate ensued.

Senator Bender demanded a roll call and the demand was sustained.

## MOTION

On motion of Senator Zimmerman, Senator Lee was excused.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Bender.

## ROLL CALL

The Secretary called the roll and the amendment by Senator Bender was not adopted by the following vote: Yeas, 21; nays, 25; excused, 3.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Kreidler, McDermott, Moore, Peterson, Rasmussen, Rinehart, Stratton, Talmadge, Vognild, Warnke, Williams, Wojahn - 21.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hansen, Hayner, Johnson, Kiskaddon, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Saling, Sellar, Smitherman, Tanner, West, Zimmerman - 25.

Excused: Senators Deccio, Lee, von Reichbauer - 3.

## MOTION

On motion of Senator Hansen, the rules were suspended, Substitute Senate Bill No. 5113 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5113.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5113 and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; excused, 2.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senators Barr, Bluechel - 2.

Excused: Senators Lee, von Reichbauer - 2.

SUBSTITUTE SENATE BILL NO. 5113, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE JOINT RESOLUTION NO. 8201, by Senators Talmadge, Moore, Gaspard, Bender, Wojahn, Fleming, Kreidler and Garrett

Providing for special one-day sessions of the senate to confirm gubernatorial appointments.

## MOTIONS

On motion of Senator Halsan, Substitute Senate Joint Resolution No. 8201 was substituted for Senate Joint Resolution No. 8201 and the substitute resolution was placed on second reading and read the second time.

On motion of Senator Halsan, the rules were suspended, Substitute Senate Joint Resolution No. 8201 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Zimmerman: "Senator Talmadge, there have been some thoughts that this step would be a step toward a full-time Legislature. Do you see this as that kind of a step?"

Senator Talmadge: "Not at all, Senator. The sense of it is, in fact, the preservation of the citizen Legislature. It would permit us to be more diligent about how we handle the gubernatorial appointments and might be able to clear those from the agenda, so that we can get our business done more expeditiously in our one-hundred five and sixty day regular sessions."

Senator Zimmerman: "You then sincerely are not considering the fact that we would be able to call ourselves back and would, most likely, be calling ourselves back for sessions—real sessions—at least sessions to do this particular activity, that would not tend to be one more reason for all of us to be in Olympia and for having something to do and, therefore, finding ourselves more and more drawn to this great city?"

Senator Talmadge: "Not that I can see, Senator, because we're here for committee weekends and this would be something that would enable us, during a committee weekend, to consider the gubernatorial appointments. I don't see it as anything other than support of the citizen Legislature concept that we have."

Senator Zimmerman: "The committee weekends, of course, are not mandatory in the sense of people being here and there are a certain number of people who probably do not make committee weekends, but would feel rather compelled. Would you not feel compelled to be here for a regular session called, when so stated?"

Senator Talmadge: "Well, Senator, I would certainly hope that members would be here for committee weekends, because the committees are meeting and transacting important business and considering very important policy issues, so if that's some inducement for people to attend the committee meetings during committee weekends, maybe that's a good idea."

Further debate ensued.

#### POINT OF INQUIRY

Senator Newhouse: "Senator Talmadge, the Substitute Constitutional Amendment proposes that 'the President of the Senate may convene' and you're contemplating then that the one man or woman, as the case may be, and that the Senate itself would have no say in whether or not it is convened for this purpose?"

Senator Talmadge: "Not at all, Senator. In fact, the Senate Rules would provide for how the President would be able to call the Senate into session. We grappled with the problem of how we would be able to accomplish the Senate calling itself into session. As you know, in order for the Legislature to call itself into session now, you'd have to have the concurrence of two-thirds of the members of both houses and that might be a bit cumbersome. What this would provide, would be for the President to do the calling, but clearly would be subject to the wishes and dispensation of both of the caucuses."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Joint Resolution No. 8201.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Joint Resolution No. 8201 and the resolution failed to pass the Senate by the following vote: Yeas, 28; nays, 20; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kreidler, McCaslin, McDermott, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Vognild, Warnke, West, Williams, Wojahn - 28.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Kiskaddon, Lee, McDonald, Metcalf, Nelson, Newhouse, Pullen, Saling, Sellar, Tanner, Zimmerman - 20.

Excused: Senator von Reichbauer - 1.

SUBSTITUTE SENATE JOINT RESOLUTION NO. 8201, having failed to receive the constitutional two-thirds majority was declared lost.

#### SECOND READING

SENATE BILL NO. 5911, by Senator McDermott

Relating to state government.

#### MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 5911 was substituted for Senate Bill No. 5911 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 5911 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Anderson: "Senator McDermott, I read in here that the legislative appropriation is authorized to purchase and manage certain properties as natural resource conservation areas. Could those properties be used for multiple use?"

Senator McDermott: "My understanding, Senator Anderson, is that those properties are limited use, but they can be used for more than one thing. They're not just closed up and nobody can ever go on them. They are conservation properties. The actual property they are talking about is Mount Si. If you look on page four of the bill, you will find the Mount Si Conservation area, some trust lands on Cypress Island, Woodard Bay in Thurston County and the Dishman Hills area in Spokane, and they will be available for some other public uses."

Senator Anderson: "When I am talking about multiple uses, I am talking about recreational uses as well as sustained timber yield, possibly."

Senator McDermott: "The issue here is that there is not very much timber on Mount Si. It is, basically, a recreational area. The state-owned land on Cypress Island, there will be some timber taken off of it for saving the land, but it is not, basically, a logging thing. It is put in conservation to protect very special areas of natural resources in this state. It is not like the National Forest land."

Further debate ensued.

#### POINT OF INQUIRY

Senator McDonald: "Senator McDermott, referring to New Section 19, subsection 2 of that, the percentages laid out as twenty-five percent privately-raised funds. In adopting the amendment in the committee, the idea was that it would be at least one dollar of private money for every three dollars of state money. Is that your understanding as well?"

Senator McDermott: "That's correct."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5911.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5911 and the bill failed to pass the Senate by the following vote: Yeas, 23; nays, 25; excused, 1.

Voting yea: Senators Bailey, Bender, Bluechel, Conner, Fleming, Gaspard, Kiskaddon, Kreidler, Lee, McDermott, McDonald, Moore, Owen, Peterson, Rinehart, Saling, Stratton, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman - 23.

Voting nay: Senators Anderson, Barr, Bauer, Benitz, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Garrett, Halsan, Hansen, Hayner, Johnson, McCaslin, Metcalf, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Sellar, Smitherman, Tanner, West - 25.

Excused: Senator von Reichbauer - 1.

SUBSTITUTE SENATE BILL NO. 5911, having failed to receive the constitutional majority was declared lost.

## NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Bottiger served notice that he would move to reconsider the vote by which Substitute Senate Bill No. 5911 failed to pass the Senate.

## MOTION

On motion of Senator Vognild, Senate Bill No. 5890, which was on the second reading calendar, was referred to the Committee on Rules.

## SECOND READING

SENATE BILL NO. 6001, by Senators Warnke and Bauer  
Relating to classified school district employees' benefits.

## MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 6001 was substituted for Senate Bill No. 6001 and the substitute bill was placed on second reading and read the second time.

Senator Lee moved that the following amendment be adopted:

On page 1, after line 16, strike all material through "immediately." on page 2, line 22

Debate ensued.

Senator Vognild demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Lee.

## ROLL CALL

The Secretary called the roll and the motion by Senator Lee failed and the amendment was not adopted by the following vote: Yeas, 22; nays, 26; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Saling, Sellar, West, Zimmerman - 22.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 26.

Excused: Senator von Reichbauer - 1.

## MOTION

On motion of Senator Warnke, the rules were suspended, Substitute Senate Bill No. 6001 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Newhouse: "Senator Bottiger, how long would an employee have to work for the school district before he was eligible for this type of retirement and all of these benefits being paid by a previous employer?"

Senator Bottiger: "Senator, I don't know the specifics."

Senator Newhouse: "Might it only be a year or two and then for the rest of his working life, the former employer is supposed to pay those benefits? Is that the way the bill is drafted?"

Senator Bottiger: "He wouldn't be if he might be discharged for inability or incompetency. He will be losing his civil service status."

## POINT OF INQUIRY

Senator McDonald: "Senator Cantu, listening to the arguments that you made, it appears to me that there are some clouds as to the constitutionality of this bill, in that the gift of state funds, the Bakenhus decision and some of the other things that causes us to have increases, if the other state employees have increases even though these people are not now employees of the state. Do you have a comment on that?"

Senator Cantu: "Thank you, Senator McDonald. I was concerned about Section 1, when we first heard the bill in one of our committees. I raised the question at that

time and, supposedly, we were going to look into it. We didn't hear. What I have done, Senator McDonald, I have requested an Attorney General's opinion on Section 1. In my opinion, it is not constitutional. I am sorry I do not have it yet, but we won't have time with it--if we were to hold it or if not, I am going to send it on over to the House, because I am confident that's what the answer is going to be."

Further debate ensued.

#### POINT OF INQUIRY

Senator Halsan: "Senator Talmadge, often times we have these colloquies on the floor and it makes for very interesting reading when reading the Senate Journal after we're all through, but correct me if I'm wrong. Is it true that the prevailing side is the one that sets legislative intent?"

Senator Talmadge: "Ordinarily, I think that's right, Senator Halsan. In fact, the Supreme Court ordinarily says that the opinions of one single legislator do not constitute the intent of the Legislature as a whole, although, they do say that in certain circumstances, that they will consider a colloquy involving the chairman of the committee, because the chairman of the committee presumably is the one that assists in formulating the legislative intent and assisting and moving the bill through the committee."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 6001.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 6001 and the bill passed the Senate by the following vote: Yeas, 26; nays, 22; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 26.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Saling, Sellar, West, Zimmerman - 22.

Excused: Senator von Reichbauer - 1.

SUBSTITUTE SENATE BILL NO. 6001, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5074, by Senators Talmadge, Newhouse, McCaslin, Moore, Lee and Hayner

Revising involuntary commitment procedures.

#### MOTIONS

On motion of Senator Talmadge, Second Substitute Senate Bill No. 5074 was substituted for Senate Bill No. 5074 and the second substitute bill was placed on second reading and read the second time.

Senator Wojahn moved that the following amendments be considered simultaneously and adopted:

On page 4, following line 15, insert a new subsection (c) to read as follows:

"(c) To allow mentally ill persons to stay in their home counties unless appropriate treatment is unavailable."

On page 5, line 1, after "court," insert "If case management services are recommended, the treatment plan shall ensure that the case management services are provided in the home county of the client, unless appropriate services are unavailable or treatment in that county would otherwise be impracticable."

On page 10, line 6, after "commitment," insert "The designated outpatient facility shall be in the home county of the client unless appropriate services are unavailable or treatment in that county would otherwise be impracticable."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senator Wojahn.

The motion by Senator Wojahn failed and the amendments were not adopted on a rising vote.

## MOTION

On motion of Senator Bender, Senator McDermott was excused.

## MOTION

On motion of Senator Talmadge, the rules were suspended. Second Substitute Senate Bill No. 5074 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Stratton: "Senator Talmadge, could you tell me please, where the pilot program will be and the fiscal note on this bill?"

Senator Talmadge: "I don't think the particular pilot project has been chosen. Senator Stratton. I don't think there is any particular location that's been chosen and I'm not certain of the exact fiscal note on the pilot project itself. I believe Senator McDermott would have that information. It's been operated—a similar kind of effort has been undertaken at the Highline Mental Health Center with its evaluation and treatment facility and Harborview. Both appeared to indicate that if you do it this way, you can, in fact, save money in dealing with people. I'm not certain what the exact note is on the pilot project."

The President declared the question before the Senate to be the roll call on final passage of Second Substitute Senate Bill No. 5074.

## ROLL CALL

The Secretary called the roll on final passage of Second Substitute Senate Bill No. 5074 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognlid, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senator Pullen - 1.

Excused: Senators McDermott, von Reichbauer - 2.

SECOND SUBSTITUTE SENATE BILL NO. 5074, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5083, by Senators Halsan, Newhouse and Talmadge

Providing a system of civil infractions.

## MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 5083 was substituted for Senate Bill No. 5083 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 5083 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5083.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5083 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognlid, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Benitz - 1.

Excused: Senators McDermott, von Reichbauer - 2.

SUBSTITUTE SENATE BILL NO. 5083, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Zimmerman, Senator Benitz was excused.

#### SECOND READING

SENATE BILL NO. 5292, by Senators Conner and Bauer

Permitting certain retired veterans to be eligible for veterans' preferences for public employment purposes.

#### MOTIONS

On motion of Senator Halsan, Substitute Senate Bill No. 5292 was substituted for Senate Bill No. 5292 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Halsan, the rules were suspended, Substitute Senate Bill No. 5292 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5292.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5292 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Benitz, McDermott, von Reichbauer - 3.

SUBSTITUTE SENATE BILL NO. 5292, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5378, by Senators Wojahn and Kreidler

Licensing laboratories conducting prenatal test.

#### MOTIONS

On motion of Senator Wojahn, Substitute Senate Bill No. 5378 was substituted for Senate Bill No. 5378 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Anderson, the following amendments by Senators Anderson, Stratton and Kreidler were considered simultaneously and adopted:

On page 3, line 25, after "determined" strike all material through "necessary" on line 26 and insert "to be medically necessary by meeting standards set in rule by the board of health"

On page 4, line 3, after "determined" strike all material through "necessary" on line 4 and insert "to be medically necessary by meeting standards set in rule by the board of health"

On page 4, line 15, after "determined" strike all material through "necessary" on line 16 and insert "to be medically necessary by meeting standards set in rule by the board of health"

On motion of Senator Wojahn, the rules were suspended, Engrossed Substitute Senate Bill No. 5378 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5378.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5378 and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Decchio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senators Craswell, McCaslin - 2.

Excused: Senators Benitz, McDermott, von Reichbauer - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5378, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 8:11 p.m., on motion of Senator Vognild, the Senate adjourned until 9:00 a.m., Tuesday, March 17, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## SIXTY-FIFTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Tuesday, March 17, 1987

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Peterson. On motion of Senator Bender, Senator Peterson was excused.

The Sergeant at Arms Color Guard, consisting of Pages Heather Ray and Corrine Ibach, presented the Colors. Reverend Bruce Moore, pastor of the Seventh-Day Adventist Church of Olympia, offered the prayer.

#### MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

#### MESSAGE FROM THE HOUSE

March 16, 1987

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 24,  
 SUBSTITUTE HOUSE BILL NO. 55,  
 HOUSE BILL NO. 66,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 76,  
 SUBSTITUTE HOUSE BILL NO. 117,  
 SUBSTITUTE HOUSE BILL NO. 129,  
 ENGROSSED HOUSE BILL NO. 141,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 196,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 223,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 341,  
 SUBSTITUTE HOUSE BILL NO. 366,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 373,  
 SUBSTITUTE HOUSE BILL NO. 385,  
 SUBSTITUTE HOUSE BILL NO. 393,  
 HOUSE BILL NO. 395,  
 SUBSTITUTE HOUSE BILL NO. 449,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 451,  
 SUBSTITUTE HOUSE BILL NO. 476,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 509,  
 SUBSTITUTE HOUSE BILL NO. 511,  
 SUBSTITUTE HOUSE BILL NO. 550,  
 SUBSTITUTE HOUSE BILL NO. 554,  
 ENGROSSED HOUSE BILL NO. 559,  
 SECOND SUBSTITUTE HOUSE BILL NO. 569,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 571,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 665,  
 SUBSTITUTE HOUSE BILL NO. 692,  
 SUBSTITUTE HOUSE BILL NO. 695,  
 SUBSTITUTE HOUSE BILL NO. 706,  
 SUBSTITUTE HOUSE BILL NO. 732,  
 SUBSTITUTE HOUSE BILL NO. 738,  
 HOUSE BILL NO. 744,  
 SUBSTITUTE HOUSE BILL NO. 767,  
 SUBSTITUTE HOUSE BILL NO. 832,  
 SUBSTITUTE HOUSE BILL NO. 876,  
 HOUSE BILL NO. 917,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 927,

HOUSE BILL NO. 947,  
 HOUSE BILL NO. 954,  
 SUBSTITUTE HOUSE BILL NO. 978,  
 SUBSTITUTE HOUSE BILL NO. 980,  
 HOUSE BILL NO. 992,  
 SUBSTITUTE HOUSE BILL NO. 1004,  
 HOUSE BILL NO. 1027,  
 HOUSE BILL NO. 1153,  
 SUBSTITUTE HOUSE BILL NO. 1189, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### INTRODUCTION AND FIRST READING

SJM 8017 by Senators Hayner, Patterson, Newhouse, Zimmerman, Hansen, Benitz, Saling, Stratton, Bottiger, Barr, Rasmussen, McCaslin, Conner and Bauer

Requesting Veterans Affairs Medical Center in Walla Walla remain full service center.

#### MOTIONS

On motion of Senator Vognild, the rules were suspended, Senate Joint Memorial No. 8017 was advanced to second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Senate Joint Memorial No. 8017 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Joint Memorial No. 8017.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Joint Memorial No. 8017 and the memorial passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Peterson - 1.

SENATE JOINT MEMORIAL NO. 8017, having received the constitutional majority, was declared passed.

There being no objection, the President advanced the Senate to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 5774, by Senators Tanner and Anderson

Requiring permanent identification markings on dentures and removable dental prosthesis.

The bill was read the second time.

#### MOTION

On motion of Senator Wojahn, the rules were suspended, Senate Bill No. 5774 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5774.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5774 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Peterson - 1.

SENATE BILL NO. 5774, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5416, by Senators Peterson, Patterson and Hansen (by request of Department of Transportation)

Changing requirements for establishment of certain limited access facilities.

The bill was read the second time.

#### MOTION

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 5416 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5416.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5416 and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Hayner, Sellar - 2.

Excused: Senator Peterson - 1.

SENATE BILL NO. 5416, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Zimmerman, Senators Hayner and Saling were excused.

#### SECOND READING

SENATE BILL NO. 5423, by Senators Peterson, Metcalf, Patterson, Johnson, Garrett and Bender

Reinstating special consular license plates.

#### MOTIONS

On motion of Senator Hansen, Substitute Senate Bill No. 5423 was substituted for Senate Bill No. 5423 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hansen, the rules were suspended, Substitute Senate Bill No. 5423 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5423.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5423 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen,

Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Sellar, Smitherman, Stratton, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senator Talmadge - 1.

Excused: Senators Hayner, Peterson, Saling - 3.

SUBSTITUTE SENATE BILL NO. 5423, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5086, by Senators Halsan, Talmadge, Moore, Stratton and Gaspard

Revising provisions on community supervision.

#### MOTIONS

On motion of Senator Talmadge, Second Substitute Senate Bill No. 5086 was substituted for Senate Bill No. 5086 and the second substitute bill was placed on second reading and read the second time.

Senator Vognild moved that the following amendment be adopted:

On page 7, beginning on line 36, strike "which shall reflect the cost of local jail construction borne by the state"

Debate ensued.

Senator Talmadge demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Vognild.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Vognild failed and the amendment was not adopted by the following vote: Yeas, 22; nays, 23; absent, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Conner, Craswell, Deccio, DeJarnatt, Garrett, Hansen, Johnson, Kiskaddon, Metcalf, Nelson, Newhouse, Owen, Rasmussen, Vognild, Warnke, West, Zimmerman - 22.

Voting nay: Senators Anderson, Benitz, Bottiger, Cantu, Fleming, Gaspard, Halsan, Kreidler, Lee, McCaslin, McDermott, McDonald, Moore, Patterson, Pullen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, von Reichbauer, Williams, Wojahn - 23.

Absent: Senator Sellar - 1.

Excused: Senators Hayner, Peterson, Saling - 3.

#### MOTION

On motion of Senator Talmadge, the rules were suspended, Second Substitute Senate Bill No. 5086 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Second Substitute Senate Bill No. 5086.

#### ROLL CALL

The Secretary called the roll on final passage of Second Substitute Senate Bill No. 5086 and the bill passed the Senate by the following vote: Yeas, 43; nays, 3; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Owen, Patterson, Pullen, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senators Benitz, Hayner, Newhouse - 3.

Absent: Senator Sellar - 1.

Excused: Senators Peterson, Saling - 2.

SECOND SUBSTITUTE SENATE BILL NO. 5086, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 9:45 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 10:48 a.m. by President Cherberg.

## SECOND READING

SENATE BILL NO. 5464, by Senators Halsan and Nelson

Authorizing district courts to collect fines through credit cards and collection agencies.

## MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 5464 was substituted for Senate Bill No. 5464 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Halsan, the following amendments by Senators Halsan and Nelson were considered simultaneously and adopted:

On page 1, line 7, strike "fines and" and insert "penalties on infractions, criminal fines, costs, assessments, civil judgments or"

On page 1, after line 20, insert the following:

"(3) Servicing of delinquencies by collection agencies or by collecting attorneys in which the court retains control of its delinquencies shall not constitute assignment of debt.

(4) For purposes of this section, the term debt shall include penalties on infractions, criminal fines, costs, assessments, civil judgments or forfeitures imposed by the courts."

## MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute Senate Bill No. 5464 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, it is not your intention that the courts enter an agreement with the credit card companies and pay the service fees? Is it or isn't it?"

Senator Talmadge: "Senator, the intention here is to permit the courts of limited jurisdiction to accept credit card payments or to accept credit cards as payment for any fines, or fees, or forfeitures that exist in the court system. My understanding is that the courts would be entitled to enter into agreements with collection agencies or attorneys to do collection on cases, but there is no specification about whether or not they would be entitled to enter into agreements with credit card companies as to those costs. My hope would be that we would be able to avoid that, however."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5464.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5464 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalif, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5464, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5277, by Senators Peterson, Patterson, Hansen and Conner

Requiring vehicle license plates to be treated with fully reflectorized materials.

The bill was read the second time.

#### MOTION

On motion of Senator Hansen, the rules were suspended, Senate Bill No. 5277 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5277.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5277 and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Tanner - 1.

SENATE BILL NO. 5277, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5263, by Senators Gaspard, Bailey, Bender, Bauer, von Reichbauer, Johnson, Conner, Smitherman, Garrett, Talmadge, Moore, Wojahn, Warnke, Rinehart, Peterson, Vognild, Kiskaddon, Saling, Anderson and Benitz

Establishing a ratio of vocational education teachers to students.

The bill was read the second time.

#### MOTION

On motion of Senator Gaspard, the rules were suspended, Senate Bill No. 5263 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5263.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5263 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SENATE BILL NO. 5263, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### PARLIAMENTARY INQUIRY

Senator McCaslin: "Mr. President, a parliamentary inquiry. I understand we are only allowed to speak once on bills. Can we speak any number of times in between bills? Senator Bottiger spoke twice and I am just wondering if we can just talk and talk when we're not on a bill?"

#### REPLY BY THE PRESIDENT

President Cherberg: "The President believes the Senate should again begin working on the bills."

## MOTION

On motion of Senator Vognild, the Senate commenced consideration of Senate Bill No. 5474.

## SECOND READING

SENATE BILL NO. 5474, by Senators Tanner, Patterson, Gaspard, Rinehart, Bailey, Bauer, Williams, Bender, Moore, Fleming, Talmadge, McDermott, Saling and McDonald (by request of Governor Gardner)

Establishing the distinguished professorship trust fund program.

The bill was read the second time.

## MOTIONS

On motion of Senator Gaspard, the following Committee on Education amendment was adopted:

On page 2, line 3, after "set", strike "priorities and"

On motion of Senator Gaspard, the following Committee on Education amendment was adopted:

On page 2, line 7, after "student body:", strike "the needs of special programs within the institutions;"

On motion of Senator Gaspard, the following Committee on Education amendment was adopted:

On page 3, after line 13, insert the following:

\*NEW SECTION. Sec. 9. (1) After consulting with the higher education coordinating board and the state four-year institutions of higher education, the governor may transfer the administration of this program to another agency which has an appropriate educationally related mission.

(2) By December 1, 1989, the higher education coordinating board and any agency administering this program, if applicable, shall make recommendations to the governor and the legislature on any needed changes in the program."

Renumber the remaining sections consecutively.

On motion of Senator Gaspard, the following Committee on Education amendment was adopted:

On page 3, line 22, after "through" strike "8" and insert "9"

On motion of Senator Gaspard, the rules were suspended, Engrossed Senate Bill No. 5474 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5474.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5474 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

ENGROSSED SENATE BILL NO. 5474, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5622, by Senators Gaspard, Smitherman, Bauer and Bender (by request of Superintendent of Public Instruction and State Board of Education)

Continuing the beginning teachers assistance program.

## MOTIONS

On motion of Senator Gaspard, Substitute Senate Bill No. 5622 was substituted for Senate Bill No. 5622 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Gaspard, the rules were suspended, Substitute Senate Bill No. 5622 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Gaspard, this mentor program, that is at the local level that they make the determination how many teachers they want to use and it's within the funds that are available, or are there extra funds appropriated with a request from the local school board that they want to expand their program?"

Senator Gaspard: "Yes, Senator Rasmussen. The decisions are made locally about how many teams they would wish to have a mentor teacher, plus a beginning teacher, or mentor teacher, plus existing teacher. The funds that are available to run this program are appropriated by the state of Washington through the Superintendent of Public Instruction's office. The local board or school district will then request a grant from the SPI's office to fund their mentor teacher program locally."

Senator Rasmussen: "The reason I was asking was, there is not the possibility of some school districts syphoning off more than their share of the funds from some other school district? Let's say for instance a school district in King county, or any place over there, requested a mentor program for fifty teachers, would some other school district be left out if they were granted a program?"

Senator Gaspard: "Senator Rasmussen, this is permissive language. It doesn't require school districts to establish a program, but tries to set up a mechanism where the funds and assistance would be available on a grant basis. It's not allocated out on a per pupil basis or a district wide basis."

Senator Rasmussen: "It's solely at the direction of the Superintendent of Public Instruction—where the grants go?"

Senator Gaspard: "Again, the Superintendent of Public Instruction will look at the grants that have been requested from the local districts. It will make a determination at that point."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5622.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5622 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE SENATE BILL NO. 5622, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5626, by Senators Gaspard, Bender, Bauer, Rasmussen and von Reichbauer (by request of Superintendent of Public Instruction and State Board of Education)

Providing for an inventory of school facilities.

## MOTIONS

On motion of Senator Gaspard, Substitute Senate Bill No. 5626 was substituted for Senate Bill No. 5626 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Gaspard, the rules were suspended, Substitute Senate Bill No. 5626 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5626.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5626 and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Voting nay: Senator Craswell - 1.

SUBSTITUTE SENATE BILL NO. 5626, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5682, by Senators Rinehart, McDermott, Moore, Williams, Gaspard, Talmadge, Nelson, Lee, Bailey, Johnson and Kiskaddon

Authorizing a study and demonstration project to provide child day care for children of state employees at the University of Washington.

#### MOTIONS

On motion of Senator Rinehart, Substitute Senate Bill No. 5682 was substituted for Senate Bill No. 5682 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rinehart, the rules were suspended, Substitute Senate Bill No. 5682 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5682.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5682 and the bill passed the Senate by the following vote: Yeas, 32; nays, 17.

Voting yea: Senators Bailey, Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McDermott, Moore, Nelson, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Smitherman, Talmadge, Tanner, Vognlid, von Reichbauer, Warnke, Williams, Wojahn - 32.

Voting nay: Senators Anderson, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, McCaslin, McDonald, Metcalf, Newhouse, Saling, Sellar, Stratton, West, Zimmerman - 17.

SUBSTITUTE SENATE BILL NO. 5682, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5937, by Senators Rinehart, Gaspard, Bauer, Tanner and Paterson

Establishing a loan program for students intending to be public school teachers and for public school teachers getting additional endorsements.

The bill was read the second time.

#### MOTION

On motion of Senator Rinehart, the rules were suspended, Senate Bill No. 5937 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5937.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5937 and the bill passed the Senate by the following vote: Yeas, 39; nays, 10.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, Moore, Nelson, Owen, Patterson, Peterson, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 39.

Voting nay: Senators Anderson, Cantu, Craswell, Deccio, McDonald, Metcalf, Newhouse, Pullen, Rasmussen, Tanner - 10.

SENATE BILL NO. 5937, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5953, by Senator Gaspard

Providing reduced work load options for certain tenured community college faculty members.

The bill was read the second time.

#### MOTIONS

On motion of Senator Gaspard, the following Committee on Education amendment was adopted:

On page 2, line 16, after "That" strike all language through "his" on line 22, and insert "faculty appointees" holding faculty appointments pursuant to subsections (1) or (2) (a) who have been subsequently transferred to positions financed from "special funds" pursuant to subsection (2) (b) and who thereafter lose their positions upon reduction or elimination of such "special funding" shall be entitled to be returned to previous status as faculty appointees pursuant to subsection (1) or (2) (a) depending upon their"

On motion of Senator Gaspard, the rules were suspended, Engrossed Senate Bill No. 5953 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5953.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5953 and the bill passed the Senate by the following vote: Yeas, 44; nays, 4; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senators Benitz, Cantu, Hayner, Sellar - 4.

Absent: Senator McCaslin - 1.

ENGROSSED SENATE BILL NO. 5953, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5958, by Senators Rinehart, Gaspard, Anderson and Peterson

Specifying the number of waivers of tuition for foreign students at the four-year institutions of higher education.

The bill was read the second time.

## MOTION

On motion of Senator Rinehart, the rules were suspended, Senate Bill No. 5958 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Patterson: "Senator Rinehart, I have one concern with the bill and that is, it's my understanding--and I want to put in the record--that the exchange program must be with students in a foreign country, friendly to the United States of America, that the students that exchange will be with an accredited institution in the foreign country. What's your understanding--who determines what an accredited institution is?"

Senator Rinehart: "It is my understanding that this program makes no substantive change in the program that is already in law. It simply continues that program, so whatever your understanding of the current program is, it is applicable to this expansion of that program."

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5958.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5958 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SENATE BILL NO. 5958, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Zimmerman, Senator Sellar was excused.

## SECOND READING

SENATE BILL NO. 5977, by Senators Gaspard and Patterson

Providing for a plan for implementing a state educational telecommunications network.

## MOTIONS

On motion of Senator Gaspard, Substitute Senate Bill No. 5977 was substituted for Senate Bill No. 5977 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Gaspard, the rules were suspended, Substitute Senate Bill No. 5977 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5977.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5977 and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senators Craswell, McCaslin - 2.

Absent: Senator Benitz - 1.

Excused: Senator Sellar - 1.

SUBSTITUTE SENATE BILL NO. 5977, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Zimmerman, Senator Benitz was excused.

#### SECOND READING

SENATE BILL NO. 6008, by Senators Rinehart, Bailey, Gaspard and Bauer

Permitting health personnel to be employed by all school districts.

#### MOTIONS

On motion of Senator Rinehart, Substitute Senate Bill No. 6008 was substituted for Senate Bill No. 6008 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rinehart the rules were suspended, Substitute Senate Bill No. 6008 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 6008.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 6008 and the bill passed the Senate by the following vote: Yeas, 43; nays, 4; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Smitherman, Talmadge, Tanner, Vogndild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senators Craswell, McCaslin, Pullen, Stratton - 4.

Excused: Senators Benitz, Sellar - 2.

SUBSTITUTE SENATE BILL NO. 6008, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Bottiger, the Senate advanced to the ninth order of business.

#### MOTION FOR RECONSIDERATION

Having served prior notice, Senator Bottiger moved that the Senate now reconsider the vote by which Substitute Senate Bill No. 5911 failed to pass the Senate March 16, 1987.

The President declared the question before the Senate to be the motion by Senator Bottiger that the Senate reconsider the vote by which Substitute Senate Bill No. 5911 failed to pass the Senate.

The motion by Senator Bottiger carried and the Senate will reconsider the vote by which Substitute Senate Bill No. 5911 failed to pass the Senate.

#### MOTION

At 12:06 p.m. on motion of Senator Vogndild, the Senate recessed until 1:30 p.m.

#### AFTERNOON SESSION

The Senate was called to order at 1:46 p.m. by President Cherberg.

There being no objection, the President returned the Senate to the sixth order of business.

## SECOND READING

SENATE BILL NO. 5584, by Senators Tanner, Lee and Anderson (by request of Department of Labor and Industries)

Changing penalties for misrepresentations in reports or claims to the department of labor and industries.

## MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 5584 was substituted for Senate Bill No. 5584 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Substitute Senate Bill No. 5584 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5584.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5584 and the bill passed the Senate by the following vote: Yeas, 43; absent, 5; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Tanner, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Absent: Senators Bluechel, Craswell, Peterson, Talmadge, West - 5.

Excused: Senator Sellar - 1.

SUBSTITUTE SENATE BILL NO. 5584, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Bender, Senators Peterson and Talmadge were excused.

## SECOND READING

SENATE BILL NO. 5219, by Senators Williams, Johnson, Kreidler, Kiskaddon and Conner

Regulating naturopathic physicians.

## MOTIONS

On motion of Senator Wojahn, Substitute Senate Bill No. 5219 was substituted for Senate Bill No. 5219 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Wojahn, the rules were suspended, Substitute Senate Bill No. 5219 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5219.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5219 and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senators Craswell, McCaslin - 2.

Absent: Senator Tanner - 1.

Excused: Senators Peterson, Talmadge - 2.

SUBSTITUTE SENATE BILL NO. 5219, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 2:05 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 2:48 p.m. by President Cherberg.

#### SECOND READING

SENATE BILL NO. 5266, by Senators McDermott and Gaspard (by request of Department of Revenue)

Providing for retail sales tax trust fund accountability.

#### MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 5266 was substituted for Senate Bill No. 5266 and the substitute bill was placed on second reading and read the second time.

Senator McDermott moved that the following amendments be considered simultaneously and adopted:

On page 1, line 15, after "RCW" insert "For the purposes of this section, any retail sales taxes that have been paid but not collected shall be deductible from the retail sales taxes collected but not paid."

On page 1, line 19, after "taxes" insert "collected"

Debate ensued.

#### POINT OF INQUIRY

Senator Zimmerman: "Senator McDermott, in connection with the amendment. It doesn't mention accrual, but your explanation would be that what you are explaining here by the amendment is the accrual system. I guess that is what you are saying. It just seems--it was hard to go from A to Z on that little amendment."

Senator McDermott: "Senator Zimmerman, Senator Bottiger came to me after having read this amendment and said, 'only an attorney could have written something so complicated as this.' The sentence says, 'any retail sales taxes that have been paid, but not collected' is an indirect way of talking about the accrual system. This is carefully crafted by the tax attorneys."

Senator Zimmerman: "All right, I appreciate that and this is supported by tax attorneys, as well as the business community, and it's good for the consumer? Thank you."

The President declared the question before the Senate to be adoption of the amendment by Senator McDermott.

The motion by Senator McDermott carried and the amendment was adopted.

#### MOTION

On motion of Senator McDermott, the rules were suspended. Engrossed Substitute Senate Bill No. 5266 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Deccio: "Senator McDermott, as you know, I had a lot of problems with this bill in committee and I don't--is that a new fiscal note? As I remember, it was about three million dollars when we heard the bill in committee and you indicated eight. Is that for the biennium?"

Senator McDermott: "Yes."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5266.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5266 and the bill passed the Senate by the following vote: Yeas, 43; nays, 5; excused, 1.

Voting yeas: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 43.

Voting nays: Senators Barr, Bluechel, Deccio, Hayner, Johnson - 5.

Excused: Senator Talmadge - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5266, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## STATEMENT FOR THE JOURNAL

March 17, 1987

Due to an unavoidable court date, I was unable to vote on Substitute Senate Bill No. 5584, Substitute Senate Bill No. 5219 and Engrossed Substitute Senate Bill No. 5266. I would have voted 'aye' on each.

SENATOR PHIL TALMADGE, 34th District

## SECOND READING

SENATE BILL NO. 5382, by Senators Bauer, Benitz, Kreidler, McCaslin, Kiskaddon and Conner

Revising the treatment authority of physical therapists.

The bill was read the second time.

## MOTION

On motion of Senator Wojahn, the rules were suspended, Senate Bill No. 5382 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5382.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5382 and the bill passed the Senate by the following vote: Yeas, 37; nays, 10; absent, 2.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, West, Zimmerman - 37.

Voting nays: Senators Bender, Bottiger, Craswell, Fleming, Hayner, Johnson, McDermott, Moore, von Reichbauer, Wojahn - 10.

Absent: Senators Hansen, Williams - 2.

SENATE BILL NO. 5382, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5501, by Senators Vognild, Metcalf, Nelson, Rasmussen and Talmadge

Creating the aquatic land dredged material disposal site account.

## MOTIONS

On motion of Senator Owen, Second Substitute Senate Bill No. 5501 was substituted for Senate Bill No. 5501 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the following amendment by Senators Owen, Sellar and Vognild was adopted:

On page 2, line 15, after "account" strike all material down to and including "this act" on line 17

On motion of Senator Owen, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5501 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute Senate Bill No. 5501.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute Senate Bill No. 5501 and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Barr - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5501, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6053, by Senators Gaspard and Bauer

Changing powers of educational service district boards.

The bill was read the second time.

#### MOTION

On motion of Senator Gaspard, the rules were suspended, Senate Bill No. 6053 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 6053.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 6053 and the bill passed the Senate by the following vote: Yeas, 42; nays, 6; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rinehart, Saling, Sellar, Smitherman, Stratton, Vognlid, von Reichbauer, Warnke, West, Zimmerman - 42.

Voting nay: Senators McDermott, Rasmussen, Talmadge, Tanner, Williams, Wojahn - 6.

Absent: Senator Hayner - 1.

SENATE BILL NO. 6053, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5479, by Senators Gaspard, Bauer, Bender, Williams, Talmadge, DeJarnatt, Wojahn and Smitherman (by request of Governor Gardner)

Providing for the improvement of teachers and schools.

#### MOTIONS

On motion of Senator Gaspard, Substitute Senate Bill No. 5479 was substituted for Senate Bill No. 5479 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Gaspard, the following amendment was adopted:

On page 1, line 21, strike "ENHANCING SCHOOLS" and insert "SCHOOLS FOR THE TWENTY-FIRST CENTURY"

On motion of Senator Gaspard, the following amendment was adopted:

On page 8, line 10, after "than", strike "July" and insert "June"

Senator Bailey moved that the following amendments by Senators Bailey and Saling be considered simultaneously and adopted:

On page 2, line 15, after "The" strike "state board of education" and insert "board for the twenty-first century schools pilot project"

On page 2, line 25, strike "state board of education" and insert "board for the twenty-first century schools pilot project"

On page 2, line 26, after "The" strike "state"

On page 3, lines 4 and 5, after "the" strike "state board of education" and insert "board for the twenty-first century schools pilot project"

On page 4, lines 28 and 29, after "the" strike "state board of education" and insert "board for the twenty-first century school pilot project"

On page 5, line 1, strike "state board of education" and insert "board for the twenty-first century schools pilot project"

On page 5, beginning on line 3, strike "state"

On page 5, line 31, after "board" insert "for the twenty-first century schools pilot project"

On page 6, line 15, after "The" strike "state board of education" and insert "board for the twenty-first century schools pilot project"

On page 6, line 23, after "the" strike "state board of education" and insert "board for the twenty-first century schools pilot project"

On page 2, beginning on line 15, strike all of NEW SECTION. Sec. 102 and insert the following:

"(1) A board for the twenty-first century schools pilot project shall be established to administer sections 102 through 112 of this act, and select projects for grants, subject to legislative appropriation, for twenty-first century pilot school programs may be conducted during a six-year period if funds are so provided. Selected schools or districts shall receive initial funding for a two-year period, and, subject to continued state funding, may be extended for a total period of six years.

(2) The board shall consist of the governor, the superintendent of public instruction, three members appointed by the governor, and two members appointed by the superintendent of public instruction. The governor and the superintendent of public instruction shall serve as co-chairs of the board.

The appointed board members shall serve for one six year term. Members shall receive no salary, but the appointed members shall be reimbursed for travel expenses as provided in RCW 53.03.050 and 43.03.060.

(3) The board shall develop a process for schools to apply to participate in the schools for the twenty-first century pilot program."

Debate ensued.

Senator Talmadge demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senators Bailey and Saling.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Bailey failed and the amendments were not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McDonald, Metcalf, Moore, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, von Reichbauer, West, Zimmerman - 24.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McCaslin, McDermott, Owen, Peterson, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 25.

#### MOTION

Senator Metcalf moved that the following amendment be adopted:

On page 9, line 6, after "programs" strike "and to recognize teaching as a profession"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Metcalf.

The motion by Senator Metcalf failed and the amendment was not adopted.

#### MOTION

Senator Metcalf moved that the following amendments be considered simultaneously and adopted:

On line 22, after "program," strike "(2) a post-baccalaureate program resulting in a master's level degree;"

Renumber the remaining subsections consecutively.

On page 10, beginning on line 3, strike sections 203 and 204

Renumber the remaining sections consecutively.

Debate ensued.

Senator Newhouse demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senator Metcalf.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Metcalf failed and the amendments were not adopted by the following vote: Yeas, 23; nays, 26.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Decchio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Pullen, Rasmussen, Sellar, von Reichbauer, West, Zimmerman - 23.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Moore, Owen, Patterson, Peterson, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 26.

#### MOTION

Senator Bailey moved that the following amendment by Senators Bailey and Saling be adopted:

On page 3, beginning on line 33, strike "may" and insert "shall"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Bailey and Saling.

The motion by Senator Bailey failed and the amendment was not adopted.

#### MOTION

Senator Bailey moved that the following amendments by Senators Bailey and Saling be considered simultaneously and adopted:

On page 6, line 10, strike "sections 102 through 113" and insert "section 108"

On page 9, beginning on line 1, strike all material through "directors." on page 15, line 18.

Renumber the remaining sections consecutively

Debate ensued.

Senator Bailey demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senators Bailey and Saling.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Bailey failed and the amendments were not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Decchio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, von Reichbauer, West, Zimmerman - 24.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Moore, Owen, Peterson, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 25.

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator McDonald moved to reconsider the vote by which the amendment by Senators Bailey and Saling on page 3, line 33, failed to be adopted earlier today.

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator McDonald to reconsider the vote by which the amendment by Senators Bailey and Saling on page 3, line 33, failed to be adopted.

#### ROLL CALL

The Secretary called the roll and the motion by Senator McDonald for reconsideration carried by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Saling, Sellar, von Reichbauer, West, Zimmerman - 25.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Moore, Peterson, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 24.

Debate ensued on the amendment by Senators Bailey and Saling on page 3, line 33, on reconsideration.

Senator Newhouse demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Bailey and Saling on page 3, lines 33, on reconsideration.

#### ROLL CALL

The Secretary called the roll and the amendment on page 3, line 33, on reconsideration, was adopted by the following vote: Yeas, 26; nays, 23.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Saling, Sellar, von Reichbauer, West, Zimmerman - 26.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Peterson, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 23.

#### MOTION

On motion of Senator Gaspard, the rules were suspended, Engrossed Substitute Senate Bill No. 5479 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Saling: "Senator Gaspard, this is a rather complicated bill. It takes up about seven pages in our yellow calendar book to explain it. It's a sixteen page bill and I'm not sure that those people who have not served on the Education Committee thoroughly understand the financial ramifications of this bill. Could you please tell me if this bill is implemented to the extent that it's in shape right now, what will the fiscal amount be to implement the bill?"

Senator Gaspard: "Senator Saling, I have a fiscal note here that is prepared for the bill and it shows a fiscal impact of 3.3 million."

Senator Saling: "3.3 million as a pilot for twenty schools? Is that correct--twenty school districts?"

Senator Gaspard: "No, Senator Saling, the fiscal impact of the bill includes the other portions, including the masters of a two-year biennial impact of 3.3 million."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5479.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5479 and the bill passed the Senate by the following vote: Yeas, 26; nays, 23.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kiskaddon, Kreidler, McDermott, Moore, Owen, Peterson, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 26.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, von Reichbauer, West, Zimmerman - 23.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5479, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 4:32 p.m., on motion of Senator Vognild, the Senate recessed until 6:00 p.m.

## EVENING SESSION

The Senate was called to order at 6:00 p.m. by President Cherberg.

## SECOND READING

SENATE BILL NO. 5861, by Senators Tanner, Johnson, Moore, Hansen and Conner

Providing an exemption for specified vessels from application of chapter 88.16 RCW.

The bill was read the second time.

## MOTION

On motion of Senator Vognild, the rules were suspended, Senate Bill No. 5861 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5861.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5861 and the bill passed the Senate by the following vote: Yeas, 33; absent, 16.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bottiger, DeJarnatt, Garrett, Gaspard, Halsan, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, Metcalf, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Stratton, Tanner, Vognild, von Reichbauer, Warnke, West, Zimmerman - 33.

Absent: Senators Bender, Bluechel, Cantu, Conner, Craswell, Deccio, Fleming, Hansen, Hayner, McDermott, McDonald, Moore, Rinehart, Talmadge, Williams, Wojahn - 16.

SENATE BILL NO. 5861, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5510, by Senators Warnke, McCaslin and Smitherman (by request of Department of Licensing)

Modifying provisions relating to real estate licenses.

## MOTION

On motion of Senator Warnke, Substitute Senate Bill No. 5510 was substituted for Senate Bill No. 5510 and the substitute bill was placed on second reading and read the second time.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Warnke, is that right what I am reading in the summary--that the Department of Licensing is going to put a \$1,000 fine on and then make grants to educational institutions themselves from that fund?"

Senator Warnke: "No, the money will be used for educating licensees--real estate licensees."

Senator Rasmussen: "Well, this is a very unusual procedure that they can use fines up to \$1,000 and then--'grants for higher education institutions are not limited to state-supported schools'--rather peculiar. It's the first time I've ever seen that."

Senator Warnke: "Educational process."

Further debate ensued.

## MOTION

On motion of Senator Warnke, the rules were suspended, Substitute Senate Bill No. 5510 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## MOTION

On motion of Senator Zimmerman, Senators Bluechel, Cantu, Deccio and McDonald were excused.

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5510.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5510 and the bill passed the Senate by the following vote: Yeas, 35; nays, 2; absent, 8; excused, 4.

Voting yea: Senators Anderson, Bailey, Bauer, Benitz, Bottiger, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, Metcalf, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Saling, Sellar, Smitherman, Stratton, Tanner, Vognild, von Reichbauer, Warnke, West, Zimmerman - 35.

Voting nay: Senators Barr, Pullen - 2.

Absent: Senators Bender, Conner, McDermott, Moore, Rinehart, Talmadge, Williams, Wojahn - 8.

Excused: Senators Bluechel, Cantu, Deccio, McDonald - 4.

SUBSTITUTE SENATE BILL NO. 5510, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5521, by Senators McDermott, McDonald and Kiskaddon

Exempting public funds received by nonprofit corporations for conventions, tourism, and economic development from business and occupation taxation.

The bill was read the second time.

## MOTION

On motion of Senator Vognild, the rules were suspended, Senate Bill No. 5521 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5521.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5521 and the bill passed the Senate by the following vote: Yeas, 37; absent, 8; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bottiger, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, Metcalf, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Stratton, Tanner, Vognild, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 37.

Absent: Senators Bender, Conner, Craswell, McDermott, Moore, Rinehart, Talmadge, Williams - 8.

Excused: Senators Bluechel, Cantu, Deccio, McDonald - 4.

SENATE BILL NO. 5521, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5598, by Senators Vognild, Metcalf, Bailey, Conner, Moore, Bender, Wojahn, Rasmussen, Bauer and Kiskaddon

Establishing a distribution formula for grants to counties under the community mental services act.

## MOTIONS

On motion of Senator Wojahn, Substitute Senate Bill No. 5598 was substituted for Senate Bill No. 5598 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Wojahn, the rules were suspended, Substitute Senate Bill No. 5598 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5598.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5598 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent, 2; excused, 1.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senator Barr - 1.

Absent: Senators Craswell, Moore - 2.

Excused: Senator Deccio - 1.

SUBSTITUTE SENATE BILL NO. 5598, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Bender, Senator Gaspard was excused.

#### MOTION

On motion of Senator Vognild, the Senate commenced consideration of Senate Bill No. 5550.

#### SECOND READING

SENATE BILL NO. 5550, by Senators Talmadge, Nelson, Halsan, Deccio, Hayner and West (by request of Department of Corrections)

Revising provisions relating to sexual offenders.

The bill was read the second time.

#### MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 5550 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5550.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5550 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Gaspard - 1.

SENATE BILL NO. 5550, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5592, by Senators Tanner, McCaslin and Garrett

Providing qualifications for nonattorney municipal court judges.

The bill was read the second time.

## MOTION

Senator Halsan moved that the following amendment be adopted:

On page 1, line 24, after "attorney" insert "who is at least eighteen years of age, a registered voter, who has attained a high school diploma or a G.E.D. and"

Debate ensued.

## POINT OF INQUIRY

Senator Saling: "Senator Halsan, I'm confused a little bit, by the grammar of your amendment. What does G.E.D. stand for?"

Senator Halsan: "The G.E.D., I believe, is a General Equivalency Diploma, isn't it? I am not in education."

Senator Saling: "Is it general education?"

Senator Halsan: "That could be correct. It's the equivalency of the high school diploma."

Senator Saling: "It's usually called a certificate--General Education Development Certificate. Would you mind if we added certificate after G.E.D. to make it correct?"

Senator Halsan: "I wouldn't mind if that's the most appropriate terminology."

Senator Saling: "It's like saying in the other part of your amendment, 'who has obtained a high school' without using the word diploma and I would recommend that you change your G.E.D. to certificate--General Educational Development Certificate."

Senator Halsan: "I'll accept that as a friendly amendment."

Senator Saling: "I'm asking you to go ahead and amend it. I don't care to."

## MOTION

On motion of Senator Halsan, the following amendment to the amendment was adopted:

On line 8 of the amendment by Senator Halsan, after "G.E.D." insert "certificate"

The President declared the question before the Senate to be adoption of the amendment by Senator Halsan, as amended.

The motion by Senator Halsan carried, and the amendment, as amended, was adopted.

## MOTION

On motion of Senator Bender, Senator Bottiger was excused.

## MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 5592 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5592.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5592 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vogt, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senator Pullen - 1.

Excused: Senators Bottiger, Gaspard - 2.

ENGROSSED SENATE BILL NO. 5592, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5538, by Senators Owen, Warnke, Stratton, von Reichbauer, Lee, Garrett and Moore

Creating the major crimes investigation and assistance unit.

## MOTIONS

On motion of Senator Talmadge, Second Substitute Senate Bill No. 5538 was substituted for Senate Bill No. 5538 and the second substitute bill was placed on second reading and read the second time.

Senator Pullen moved that the following amendment be adopted:

On page 2, line 15, after "kidnapping;" insert "(d) first and second degree arson;"  
Renumber the remaining subsections accordingly

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Pullen.

The motion by Senator Pullen carried and the amendment was adopted on a rising vote.

## MOTION

Senator Pullen moved that the following amendment be adopted:

On page 2, line 15, after "kidnapping;" insert "(d) first and second degree robbery;"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Pullen.

The motion by Senator Pullen failed and the amendment was not adopted.

## MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5538 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## MOTION

On motion of Senator Bender, Senator Warnke was excused.

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute Senate Bill No. 5538.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute Senate Bill No. 5538 and the bill passed the Senate by the following vote: Yeas, 38; nays, 8; excused, 3.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, Metcalf, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, West, Zimmerman - 38.

Voting nay: Senators Barr, Craswell, Hansen, McDermott, Moore, Rinehart, Williams, Wojahn - 8.

Excused: Senators Gaspard, McDonald, Warnke - 3.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5538, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5599, by Senators Owen, Wojahn and Kreidler

Establishing receivership provisions for delinquent domestic water suppliers.

## MOTIONS

On motion of Senator Wojahn, Substitute Senate Bill No. 5599 was substituted for Senate Bill No. 5599 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Wojahn, the rules were suspended, Substitute Senate Bill No. 5599 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator McCaslin: "Senator Owen, on the water purveyor retainers, are those cooperative ones? Is that why they are exempt?"

Senator Owen: "Yes."

## POINT OF INQUIRY

Senator McCaslin: "Senator Wojahn, I support the bill, but I am just concerned whether there could be nine on a system and they could do the same thing?"

Senator Wojahn: "Well, I think cooperatives are exempt from this kind of legislation, yes."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5599.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5599 and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, Metcalf, Moore, Nelson, Newhouse, Owen, Paterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, West, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senators Hansen, Pullen - 2.

Excused: Senators Gaspard, McDonald, Warnke - 3.

SUBSTITUTE SENATE BILL NO. 5599, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5858, by Senators Johnson, Warnke, Talmadge, Stratton, Bottiger, McDermott, Bailey, von Reichbauer, Cantu, Lee and McDonald

Adopting procedures for the collection of the sales tax on the sale of mobile homes by dealers or selling agents.

## MOTIONS

On motion of Senator Smitherman, Substitute Senate Bill No. 5858 was substituted for Senate Bill No. 5858 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Smitherman, the rules were suspended, Substitute Senate Bill No. 5858 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5858.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5858 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, Metcalf, Moore, Nelson, Newhouse, Owen, Paterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, West, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senator Pullen - 1.

Excused: Senators Gaspard, McDonald, Warnke - 3.

SUBSTITUTE SENATE BILL NO. 5858, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5869, by Senator Williams

Prohibiting the possession and use of electric weapons by the general public.

The bill was read the second time.

#### MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 5869 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Hansen: "Senator Williams, in my business we have used what we call 'hot shots' for many, many years. That is an electric shock that we have with ordinary batteries that nowhere near stuns anybody or anything else, but it is very effective on Brahma bulls and things like this that think twice before they come and get you. Are you also outlawing hot shots that we use in the livestock business?"

Senator Williams: "No, Senator Hansen, I think as you have heard, what I might have liked as a piece of legislation might have required some dialogue between us, but I think you heard the bill that is presently before us does not outlaw this kind of weapon or cattle prod or whatever you want to call it. It simply provides now a penalty for the use in an inappropriate situation. Also, it sets up a process for establishing standards, so it would not affect what you are talking about. That's my understanding, at least."

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5869.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5869 and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Seilar, Smitherman, Stratton, Talmadge, Tanner, Vogtild, von Reichbauer, Williams, Wojahn, Zimmerman - 45.

Absent: Senator West - 1.

Excused: Senators Gaspard, McDonald, Warnke - 3.

SENATE BILL NO. 5869, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5887, by Senators Wojahn, Kiskaddon, Moore, Patterson and Barr

Providing for a moratorium on rate regulation by the hospital commission.

#### MOTIONS

On motion of Senator Wojahn, Substitute Senate Bill No. 5887 was substituted for Senate Bill No. 5887 and the substitute bill was placed on second reading and read the second time.

Senator Wojahn moved that the following amendment by Senators Wojahn and Deccio be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature finds and declares that in the best interest of the consumer public, because of the regulation inherent in prospective payment under the federal medicare program, in the prospective payment limitations under the state medical assistance programs, and in the budgetary restraints upon public funding of health care, and because of the disproportionate administrative expense of budget review and rate approval for small

hospitals, there no longer is need for commission regulation of the rates of rural hospitals; and that such hospitals should therefore be exempted from rate approval by the hospital commission.

NEW SECTION. Sec. 2. A new section is added to chapter 70.39 RCW to read as follows:

Effective for hospital fiscal years beginning after June 30, 1987, there shall be a two-year moratorium upon rate regulation of rural hospitals by the hospital commission. During this period, each rural hospital may establish and modify its rates at its discretion: PROVIDED, That rural hospitals shall continue to file their budget, patient discharge, and other data as required by the hospital commission of hospitals which continue to be subject to rate approval under this chapter: PROVIDED FURTHER, That nothing in this section limits the ability of the department of social and health services to establish hospital payment rates pursuant to RCW 74.09.120 or in accordance with a federally approvable state plan under Title XIX of the federal social security act.

For the purposes of this section, "rural hospital" means a hospital located anywhere in the state except the following areas:

(1) The entire counties of Snohomish (including Camano Island), King, Kitsap, Pierce, Thurston, Clark, and Spokane; and

(2) Areas within a twenty mile radius of an urban area with a population exceeding thirty thousand persons.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

#### POINT OF INQUIRY

Senator Deccio: "Senator Wojahn, for the record, as you know, some of the Senators from smaller counties wanted to eliminate the words, 'and other data' in order to reduce the administrative details. I am just wondering, if the intent of what we are doing here is to try to reduce the work load for those hospitals, to give them some flexibility, to get them out from under these regulations so that they can survive in some way? Would that be your interpretation?"

Senator Wojahn: "Yes, it is, but there are certain items that must be available to the Hospital Commission in order for them to make good judgments and so we can not take out any of the wording in the body of the bill. That's necessary."

Senator Deccio: "I understand that, but what I was trying to establish, the intent of this is to lighten the load and free up rural hospitals, so that they would not be subject to these rigid rules and regulations because they are in a state of trying to survive under today's competitive market."

Senator Warnke: "That is absolutely right. I am going to read a list of the hospitals that would be affected, because I think some of you would like to know-- Brewster, Centralia, Chehalis, Chelan, Chewelah, Clarkston, Colfax, Colville, Coupeville, Davenport, Dayton, Ellensburg, Ephrata, Forks, Goldendale, Grand Coulee, Ilwaco, Leavenworth, Mount Vernon, Metaline Falls, Morton, Moses Lake, Newport, Odessa, Omak, Othello, Pomeroy, Port Angeles, Port Townsend, Pullman, Quincy, Republic, Ritzville, Sedro-Woolley, South Bend, Sunnyside, Tonasket, and White Salmon. They are all out from under the Hospital Commission."

#### POINT OF INQUIRY

Senator Barr: "Senator Wojahn, would you say they are out from under the Hospital Commission? Would you clarify that as to what extent?"

Senator Wojahn: "They will be if this bill passes; they are out as far as their rate structure is concerned. They do not have to conform to any rate structure. They can charge whatever they feel they must in order to make it practical to stay in business."

Senator Barr: "Is it a true statement then, that they are out from under the rate-setting only?"

Senator Wojahn: "Yes."

Senator Barr: "But, in answering Senator Deccio's question, is it the intent and your intent to make it easier for them to do business?"

Senator Wojahn: "Yes, it is."

The President declared the question before the Senate to be adoption of the amendment by Senators Wojahn and Deccio.

The motion by Senator Wojahn carried and the amendment was adopted.

## MOTIONS

On motion of Senator Wojahn, the following title amendment was adopted:

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "adding a new section to chapter 70.39 RCW; creating a new section; and declaring an emergency."

On motion of Senator Wojahn, the rules were suspended, Engrossed Substitute Senate Bill No. 5887 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Deccio: "Senator Wojahn, the question has been asked by one of the members of the Human Services Committee that the changes you made in the striking amendment to Substitute Senate Bill No. 5887, how do they relate to what we did in Senate Bill No. 5886, which is coming up?"

Senator Wojahn: "Well, that is the certificate of need and it doesn't have anything to do with the Hospital Commission. It has nothing to do with hospitals except it will generate the impetus for the certificate of need and the hospitals that will be affected by that. That covers a lot more than just hospitals."

Senator Deccio: "So, the striking amendment does not in anyway affect Senate Bill No. 5886?"

Senator Wojahn: "No, no, no."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5887.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5887 and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, West, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senators Anderson, Kreidler - 2.

Excused: Senators Gaspard, McDonald, Warnke - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5887, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5938, by Senators Cantu and Owen

Restricting trapping activities on private property.

The bill was read the second time.

## MOTION

On motion of Senator Pullen, the following amendments were considered simultaneously and adopted:

On page 1, line 10, after "trap" strike "however" and insert "; however."

On page 2, line 32, after "state" strike "however" and insert "; however."

On motion of Senator Owen, the rules were suspended, Engrossed Senate Bill No. 5938 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5938.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5938 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognlid, von Reichbauer, West, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Gaspard, McDonald, Warnke - 3.

ENGROSSED SENATE BILL NO. 5938, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6038, by Senators Wojahn, Kiskaddon, Kreidler, Deccio and Tanner

Permitting medicare-approved dialysis centers to disperse certain legend drugs.

The bill was read the second time.

#### MOTION

On motion of Senator Wojahn, the rules were suspended, Senate Bill No. 6038 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 6038.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 6038 and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognlid, von Reichbauer, West, Williams, Wojahn, Zimmerman - 45.

Absent: Senator Lee - 1.

Excused: Senators Gaspard, McDonald, Warnke - 3.

SENATE BILL NO. 6038, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5293, by Senators McDermott, Bender, McDonald, Bluechel, Wojahn and Deccio

Revising business and occupation taxation of health and social welfare services.

#### MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 5293 was substituted for Senate Bill No. 5293 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 5293 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5293.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5293 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognlid, von Reichbauer, West, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Gaspard, McDonald, Warnke - 3.

SUBSTITUTE SENATE BILL NO. 5293, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTIONS

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Vognild, Senate Bill No. 5211 was referred to the Committee on Rules.

#### MESSAGE FROM THE HOUSE

March 17, 1987

Mr. President:

The House has passed SENATE BILL NO. 5685 and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

At 8:07 p.m., on motion of Senator Vognild, the Senate adjourned until 8:00 a.m., Wednesday, March 18, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

**SIXTY-SIXTH DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Wednesday, March 18, 1987

The Senate was called to order at 8:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators McDermott, Owen and Peterson.

The Sergeant at Arms Color Guard, consisting of Pages Cindy Hall and Roberta Abner, presented the Colors. Reverend Bruce Moore, pastor of the Seventh-Day Adventist Church of Olympia, offered the prayer.

**MOTION**

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

**REPORTS OF STANDING COMMITTEES**

March 17, 1987

HB 295 Prime Sponsor, Representative Heavey: Revising findings required under the Implied Consent Law. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; McCaslin, Moore, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

March 17, 1987

SHB 489 Prime Sponsor, Judiciary: Revising provisions on probate. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; McCaslin, Moore, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

**MESSAGES FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS**

March 12, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

John J. Ripple, appointed March 12, 1987, for a term ending August 8, 1989, as a member of the Sentencing Guidelines Commission.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Judiciary.

March 9, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Norman L. Winn, reappointed March 9, 1987, for a term ending January 1, 1993, as a member of the Forest Practices Appeals Board.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Natural Resources.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

- EHB 24** by Representatives Sutherland, Peery and P. King  
Permitting waiver of penalties for late payment of motor vehicle fuel tax.  
Referred to Committee on Transportation.
- SHB 55** by Committee on Natural Resources (originally sponsored by Representatives Sutherland, B. Williams, Peery, Holm, Hargrove, Vekich, Cooper, Sayan, Basich, Fisch, Baugher and Kremen)  
Modifying the determinations of sustainable harvest.  
Referred to Committee on Natural Resources.
- HB 66** by Representatives Rayburn, Nealey, Prince, Kremen, McLean, Fuhrman, Betrozoff, P. King, Chandler, Lewis and Doty  
Lowering the business and occupation tax rate on the manufacture of barley into pearl barley.  
Referred to Committee on Agriculture.
- ESHB 76** by Committee on Human Services (originally sponsored by Representatives Nelson, Brooks, Brekke, Valle, C. Smith, Belcher, Lux, Walker, Wang, Wineberry, Ferguson, R. King, Locke, Todd, Rasmussen, Basich, Padden, Brough, Schoon, Winsley, L. Smith and May)  
Making the sale of chewing tobacco to persons under the age of eighteen illegal and requiring a warning at the point of sale.  
Referred to Committee on Commerce and Labor.
- SHB 117** by Committee on Local Government (originally sponsored by Representatives Haugen, Nutley, Allen, Bristow, Rayburn and Madsen)  
Prohibiting expansion of areas annexed for municipal purposes unless for enlargement of original municipal purposes.  
Referred to Committee on Governmental Operations.
- SHB 129** by Committee on Human Services (originally sponsored by Representatives Brekke, Brooks, Leonard, Lewis, Crane, Scott, Moyer, Holm, P. King, Rayburn, Dellwo and Brough)  
Adopting the omnibus credentialing act for counselors.  
Referred to Committee on Human Services and Corrections.
- EHB 141** by Representatives Brekke, Patrick, K. Wilson, S. Wilson, Nelson, Lewis, Schoon, Leonard, Cole, Heavey, Rust, Fisher, Crane, Dellwo, Holland, Wang, J. Williams, P. King and Rayburn  
Providing procedures for disclosing information about adoptions.  
Referred to Committee on Human Services and Corrections.
- E2SHB 196** by Committee on Transportation (originally sponsored by Representatives Armstrong, Patrick, Dellwo, Padden, Wang, Holm, P. King and Bumgarner)  
Revising laws against driving without a license.  
Referred to Committee on Transportation.
- ESHB 223** by Committee on Natural Resources (originally sponsored by Representatives Sutherland, Peery, Nutley, L. Smith, Sanders, Cooper, Rayburn, Holm and Bumgarner)  
Providing increased recreational fishing opportunities for salmon and sturgeon.  
Referred to Committee on Natural Resources.

EHB 248 by Representatives Patrick, Gallagher, D. Sommers, Zellinsky, Walk, C. Smith, Schmidt, Prince, B. Williams, Hankins, Haugen, Day, Kremen, L. Smith, Moyer and Miller

Increasing state patrol retirement allowances of certain surviving spouses.

Referred to Committee on Ways and Means.

ESHB 341 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Dellwo, Nutley, Chandler, Silver, Lux, Meyers, P. King, Ferguson, Betzoff, C. Smith and May)

Revising the corporate powers of banks.

Referred to Committee on Financial Institutions.

SHB 366 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Lux, Sayan, Nelson, Cole, Rasmussen, Brekke, K. Wilson, Belcher, Fisch and Locke)

Revising the maximum interest rate calculation on retail installment contracts for the purchase of motor vehicles.

Referred to Committee on Financial Institutions.

ESHB 373 by Committee on Agriculture and Rural Development (originally sponsored by Representatives Grant, Jacobsen, Nealey, Rayburn, Brooks, Kremen, Holm, Sutherland and Rasmussen)

Directing the department of community development to conduct rural development studies.

Referred to Committee on Agriculture.

SHB 385 by Committee on Energy and Utilities (originally sponsored by Representatives Cooper, Spanel, L. Smith, Sutherland, Peery, Nutley, Walk, Dellwo, Wang, Cole and Brough)

Establishing procedures for designating ports of entry for radioactive waste.

Referred to Committee on Energy and Utilities.

SHB 393 by Committee on Judiciary (originally sponsored by Representatives P. King, Padden, Appelwick and Schmidt)

Changing provisions relating to limited partnerships.

Referred to Committee on Judiciary.

HB 395 by Representatives K. Wilson, Walk, Meyers and P. King

Authorizing the department of transportation to participate with owners of real estate in financing improvement projects.

Referred to Committee on Transportation.

SHB 449 by Committee on State Government (originally sponsored by Representatives H. Sommers and B. Williams) (by request of Governor Gardner)

Consolidating administrative functions of the board of accountancy and the board of pharmacy.

Referred to Committee on Governmental Operations.

ESHB 451 by Committee on State Government (originally sponsored by Representatives H. Sommers, B. Williams, Winsley and Miller) (by request of Governor Gardner)

Creating the office of educational services.

Referred to Committee on Education.

- SHB 476 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Lux, Chandler and P. King)  
Revising regulations for banks and banking activities.  
Referred to Committee on Financial Institutions.
- ESHB 509 by Committee on Environmental Affairs (originally sponsored by Representatives Holland, Rust, Walker, Valle, J. Williams, Unsoeld, Allen, Patrick, Ferguson and Lux)  
Limiting the use of landfills for solid waste disposal.  
Referred to Committee on Parks and Ecology.
- SHB 511 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Meyers, Niemi, Dellwo, Sprenkle, Lux, Sayan, Nutley, P. King, Braddock, Grant, Grimm, Crane and Wang)  
Requiring motor vehicle liability insurance policies to provide personal injury protection benefits.  
Referred to Committee on Financial Institutions.
- SHB 550 by Committee on Natural Resources (originally sponsored by Representatives McMullen, Sutherland, Spanel, Cole, S. Wilson, Allen, Bristow, Fuhrman, Locke, Amondson, May, Sprenkle, Haugen and K. Wilson)  
Transferring lands from department of natural resources to the parks and recreation commission.  
Referred to Committee on Natural Resources.
- SHB 554 by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Fisher, Miller, Fisch, Day, Allen, Pruitt, P. King, Heavey, Wang, Unsoeld, Dellwo, Leonard, Jacobsen, Wineberry, Jesernig, Nelson, Holm, Rasmussen, Hine, Cole, Belcher, Todd and Lux)  
Implementing voter registration by mail.  
Referred to Committee on Governmental Operations.
- EHB 559 by Representatives Appelwick, Walk, Sutherland, Barnes, Patrick, Dellwo, Heavey, Wang, Hankins, Gallagher, C. Smith, Doty, Schmidt, Betzoff, J. Williams, Day, Brough, Cantwell, K. Wilson, Fisher, Zellinsky, Haugen, Fisch, Jacobsen, Todd, P. King, Jesernig, May, Winsley and Schoon  
Extending and revising vanpool laws.  
Referred to Committee on Transportation.
- 2SHB 569 by Committee on Ways and Means/Revenue (originally sponsored by Representatives Rayburn, Baugher, Hankins, Jesernig, Brooks, Day, Sayan, Moyer, Grant, Dellwo, Silver, K. Wilson, Doty, Lewis, P. King, Schmidt, Holm, Betzoff, May, C. Smith and Haugen)  
Establishing the Washington wine commission.  
Referred to Committee on Agriculture.
- ESHB 571 by Committee on Environmental Affairs (originally sponsored by Representatives Grant, Hankins, Jesernig, Prince, Rayburn, Nealey, Brooks, Brough, L. Smith, D. Sommers, May and Miller)  
Permitting municipalities to discharge from municipal water treatment plants if the intake is from the same body of water as the discharge and water quality standards remain high.  
Referred to Committee on Agriculture.

ESHB 665 by Committee on Human Services (originally sponsored by Representatives Grimm, Locke, B. Williams, Dellwo, Brekke, Appelwick, Ebersole, Heavey, Niemi, Lewis, Pruitt, Leonard, Wang, H. Sommers, Winsley, Scott and Todd)

Establishing a pilot supplemental security income referral program.

Referred to Committee on Human Services and Corrections.

SHB 692 by Committee on Judiciary (originally sponsored by Representatives Niemi, Locke, Jacobsen, Leonard, Sanders, P. King, May, Brough, L. Smith and Sprengle)

Changing opium dens to houses where controlled substances are made or used in moral nuisance statute.

Referred to Committee on Judiciary.

SHB 695 by Committee on Ways and Means/Revenue (originally sponsored by Representatives Hine, Bristow, Barnes, Unsoeld, Sayan, Todd, Allen, Madsen, J. Williams, Sanders, C. Smith, Baugher, Kremen, May, Brough, Rasmussen, Betrozoff and Rayburn)

Changing provisions relating to property tax exemptions for seniors and disabled persons.

Referred to Committee on Ways and Means.

SHB 706 by Committee on Ways and Means (originally sponsored by Representatives Sayan, Vekich, Ballard, Grimm, Locke, Meyers, Heavey, R. King, O'Brien, P. King, Baugher, Rasmussen, Unsoeld and Todd) (by request of Employment Security Department)

Modifying youth employment and conservation provisions.

Referred to Committee on Commerce and Labor.

SHB 732 by Committee on State Government (originally sponsored by Representatives H. Sommers, B. Williams and Belcher) (by request of Office of State Auditor)

Revising provisions of the audit services revolving fund.

Referred to Committee on Governmental Operations.

SHB 738 by Committee on State Government (originally sponsored by Representatives H. Sommers, Hankins, Peery, Miller, B. Williams, Braddock, Bristow, Jesernig and Winsley)

Transferring functions of corrections standards board to other state agencies.

Referred to Committee on Human Services and Corrections.

HB 744 by Representatives Schoon, Vekich and P. King (by request of Department of Trade and Economic Development)

Revising provisions relating to the state trade fair fund.

Referred to Committee on Ways and Means.

SHB 767 by Committee on Health Care (originally sponsored by Representatives Niemi and P. King)

Regulating respiratory care practitioners.

Referred to Committee on Human Services and Corrections.

SHB 832 by Committee on Environmental Affairs (originally sponsored by Representatives Sprengle, Allen, Rust, Grant, Unsoeld and Todd)

Penalizing governmental entities for the unauthorized disposal of solid waste.

Referred to Committee on Parks and Ecology.

SHB 876 by Committee on Human Services (originally sponsored by Representatives Brough, Leonard, Scott, Allen, Brekke, Locke, Belcher, Patrick, Cole, Braddock, Rust, Lux and May)

Changing certification requirements for methadone treatment programs.

Referred to Committee on Human Services and Corrections.

HB 917 by Representative Appelwick

Providing for an excise tax on storage and warehouse businesses.

Referred to Committee on Ways and Means.

ESHB 927 by Committee on Judiciary (originally sponsored by Representative Armstrong)

Revising the enforcement of judgments.

Referred to Committee on Judiciary.

HB 947 by Representatives Betrozoff, Walk, Patrick, Schmidt, D. Sommers, Baugher, Ferguson, May, Brough and Miller

Providing for the collection of unpaid motor vehicle excise taxes.

Referred to Committee on Transportation.

HB 954 by Representatives Pruitt, Fisher, Fisch, Leonard and Brekke

Making genderless designations in some of the elections statutes.

Referred to Committee on Governmental Operations.

SHB 978 by Committee on Agriculture and Rural Development (originally sponsored by Representatives Rayburn, Baugher, Bristow, Doty and Lewis)

Revising provisions relating to the Yakima river basin enhancement project.

Referred to Committee on Agriculture.

SHB 980 by Committee on Agriculture and Rural Development (originally sponsored by Representative Rayburn)

Revising provisions on irrigation districts.

Referred to Committee on Agriculture.

HB 992 by Representatives Todd and Nelson

Changing provisions relating to termination of utility service.

Referred to Committee on Energy and Utilities.

SHB 1004 by Committee on Health Care (originally sponsored by Representatives Day, Brooks, Sprenkle, Braddock, Bumgarner, Bristow, Fisch, Moyer and Dellwo)

Extending the chiropractic disciplinary board.

Referred to Committee on Human Services and Corrections.

HB 1027 by Representatives Amondson, Holm, Sutherland, Vekich, Rasmussen, Jesernig, Meyers, Hargrove, Basich, McMullen, Fisch, Bristow, Betrozoff, Ballard, D. Sommers, May, Fuhrman, S. Wilson, McLean, Miller, J. Williams, Winsley, Silver, P. King, Cooper, Doty and L. Smith

Providing for the sale of damaged timber from trust lands.

Referred to Committee on Natural Resources.

ESHB 1128 by Committee on Ways and Means/Appropriations (originally sponsored by Representatives H. Sommers, Niemi, Allen, Miller, Rust, Basich, Sayan, Bristow, Rayburn and Winsley)

Revising the calculation of retirement benefits of part-time teachers.

Referred to Committee on Ways and Means.

HB 1153 by Representatives B. Williams, Sanders, Schoon, Ferguson, Vekich, Amondson, Beck, Basich and Wineberry

Setting state policy guidelines for the promotion of and assistance to small business.

Referred to Committee on Commerce and Labor.

SHB 1189 by Committee on Trade and Economic Development (originally sponsored by Representatives Holm, Rayburn, Vekich, Rasmussen, Jacobsen, Moyer, Chandler, Jesernig, C. Smith and Todd)

Studying economic development and marketing needs of rural businesses.

Referred to Committee on Commerce and Labor.

SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 5685.

There being no objection, the President advanced the Senate to the sixth order of business.

#### SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8406, by Senators Owen, DeJarnatt, Lee, Bottiger, Kreidler, Rinehart, Bluechel, Moore and Conner

Creating joint committee on marine and ocean resources.

The resolution was read the second time.

#### MOTIONS

On motion of Senator DeJarnatt, the following Committee on Natural Resources amendment was adopted:

On page 3, line 13, delete "tribal nations" and insert "Indian tribes"

On motion of Senator DeJarnatt, the rules were suspended, Engrossed Senate Concurrent Resolution No. 8406 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Concurrent Resolution No. 8406.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Concurrent Resolution No. 8406 and the resolution passed the Senate by the following vote: Yeas, 46; absent, 3.

Voting ye: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senators McDermott, Owen, Peterson - 3.

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8406, having received the constitutional majority, was declared passed.

#### MOTION

On motion of Senator Bender, Senators Owen and Peterson were excused.

## SECOND READING

SENATE BILL NO. 5080, by Senators Halsan, Newhouse, Talmadge and Nelson  
Changing provisions relating to exempt pension money.

The bill was read the second time.

## MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 5080 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5080.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5080 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Owen, Peterson - 2.

SENATE BILL NO. 5080, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Vognlid, Senate Bill No. 5396, which was on the second reading calendar, was referred to the Committee on Rules.

## SECOND READING

SENATE BILL NO. 5572, by Senator Moore

Relating to the authority of utilities to collect amounts not billed due to utility error.

## MOTIONS

On motion of Senator Williams, Substitute Senate Bill No. 5572 was substituted for Senate Bill No. 5572 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Williams, the rules were suspended, Substitute Senate Bill No. 5572 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5572.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5572 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Owen, Peterson - 2.

SUBSTITUTE SENATE BILL NO. 5572, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5579, by Senators McDermott and Lee

Revising provisions relating to unfunded retirement system liability.

The bill was read the second time.

## MOTION

On motion of Senator Gaspard, the rules were suspended, Senate Bill No. 5579 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5579.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5579 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Peterson - 1.

SENATE BILL NO. 5579, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5606, by Senators McDermott, McDonald and Rasmussen (by request of Office of Financial Management)

Revising budget and accounting procedures.

## MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 5606 was substituted for Senate Bill No. 5606 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 5606 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Fleming: "Senator McDermott, speaking of generally accepted accounting practices, does this do anything for the convention center?"

Senator McDermott: "Luckily, they're outside of this or we'd never get the building built."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5606.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5606 and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Barr, Nelson - 2.

Excused: Senator Peterson - 1.

SUBSTITUTE SENATE BILL NO. 5606, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5639, by Senators Williams and Warnke (by request of Department of Community Development)

Authorizing the acquisition, rehabilitation, and sale of historic sites by the department of community development.

#### MOTIONS

On motion of Senator Williams, Substitute Senate Bill No. 5639 was substituted for Senate Bill No. 5639 and the substitute bill was placed on second reading and read the second time.

Senator West moved that the following amendment by Senators West, Stratton, McCaslin and Saling be adopted:

On page 5, after line 5, insert the following:

"NEW SECTION, Sec. 14. A new section is added to chapter 43.82 RCW to read as follows:

(1) Prior to the purchase, lease, or rent of space for state agency purposes, the director of general administration shall request the state historic preservation officer to identify existing properties within the geographical area where the space is needed, which:

(a) Are listed or eligible to be listed in the national or state register of historic places; and  
(b) May be suitable, either in the existing condition or through repair or alteration, for such purposes.

Special consideration shall be given under this section to those properties which have a higher likelihood of being destroyed because of a lack of commercial interest in the property.

The state historic preservation officer shall provide the requested information within thirty days.

(2) The director shall review and give preference to the properties identified by the state historic preservation officer unless use of the space would not be feasible and prudent compared with available alternatives.

The state historic preservation officer shall compile an annual report on this program."

Renumber the remaining sections and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators West, Stratton, McCaslin and Saling.

The motion by Senator West carried and the amendment was adopted.

#### MOTIONS

On motion of Senator Williams, the following title amendment was adopted:

On page 1, beginning on line 2 of the title, strike "a new section" and insert "new sections"

On motion of Senator Williams, the rules were suspended, Engrossed Substitute Senate Bill No. 5639 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Williams, in scanning the bill, it indicates that the Director of the Department of Community Development may purchase and then may also sell and if it sells below the purchase price, who would advise the Director of Community Development in this regard?"

Senator Williams: "Primarily, the state Historic Preservation Office which is now housed in the Department of Community Development. It used to be an independent office under the direct authority of the Governor. However, it is now in Community Development and this is the state's expertise on historic buildings--the Historic Preservation Office in DCD."

Senator Rasmussen: "It does not require the okay of the Office of Financial Management or anything--just these two people on their own can decide that they will purchase a building, or they will sell it for below what they paid for it?"

Senator Williams: "I'm presuming they could if that was the only way they could do it, but their charge is to maximize this revolving fund and keep it going. If they continue to buy and then sell below the price that they either sold it for or

bought it for, that will diminish those funds to the point they will no longer be there. In order to keep the program going, they've got to manage it efficiently."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5639.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5639 and the bill passed the Senate by the following vote: Yeas, 36; nays, 12; excused, 1.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, Metcalf, Moore, Nelson, Owen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Warnke, West, Williams, Wojahn, Zimmerman - 36.

Voting nay: Senators Barr, Bottiger, Craswell, McCaslin, Newhouse, Patterson, Pullen, Rasmussen, Sellar, Tanner, Vognild, von Reichbauer - 12.

Excused: Senator Peterson - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5639, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5625, by Senators Gaspard and Bauer (by request of Superintendent of Public Instruction and State Board of Education)

Providing a pilot program to provide health and assessment services before school begins.

#### MOTIONS

On motion of Senator Gaspard, Substitute Senate Bill No. 5625 was substituted for Senate Bill No. 5625 and the substitute bill was placed on second reading and read the second time.

Senator Saling moved that the following amendments by Senators Saling and Gaspard be considered simultaneously and adopted:

On page 1, line 5, after "instruction" strike "shall" and insert "is authorized to"

On page 1, line 11, after "developed" strike "during the 1987-88 school year"

On page 1, line 17, after "grant" insert "such"

On page 1, line 17, after "funds" insert "as may be appropriated for this purpose"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senators Saling and Gaspard.

The motion by Senator Saling carried and the amendments were adopted.

#### POINT OF INQUIRY

Senator Bailey: "Senator Saling, I believe the amendments that we have just passed would take care of the amendment that is before us now—the next Bailey/Saling amendment. Is that not correct?"

Senator Saling: "That is correct, Senator Bailey. The intent of the amendments that we just passed indicates to the SPI and the local school districts that they do not have to do what the bill says unless there is money appropriated to do it."

#### REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President, with that understanding, the next proposed amendment will be withdrawn."

#### MOTION

On motion of Senator Gaspard, the rules were suspended, Engrossed Substitute Senate Bill No. 5625 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5625.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5625 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Peterson - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5625, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5871, by Senator Peterson

Requiring child day care facilities at community colleges.

## MOTIONS

On motion of Senator Gaspard, Second Substitute Senate Bill No. 5871 was substituted for Senate Bill No. 5871 and the second substitute bill was placed on second reading and read the second time.

Senator Gaspard moved that the following amendment by Senators Saling and Bailey be adopted:

On page 2, beginning on line 33, strike all material through "this act." on page 3, line 7.

Debate ensued.

## POINT OF INQUIRY

Senator Deccio: "Senator Gaspard, I've always had a very difficult time with this issue of dealing with daycare in the public sector when you consider that hundreds of thousands of women who are in the area working for low pay that have to pay for their own babysitting which is getting to be rather expensive. How can I justify in my own mind passing legislation to deal with daycare for faculty members' children and students' children, when we've got this other problem out here that we, seemingly, can't do anything about, or I guess maybe it's the philosophy of the state that you don't do anything to help people out in the private sector?"

Senator Gaspard: "Senator Deccio, I think that's more of a statement, than a question, but in the bill that is before us, it also talks about the pay that we require. It's not something that's free and it has come back to us that the program be as self-sustaining as possible, but is to allow the facilities to be used."

Senator Deccio: "If I might continue, you know there is nothing that is free. If it were, we wouldn't be dealing with it on this floor--and I am not making a statement, I am asking a question. What do I do when I go home? You're the chairman of the Education Committee and you're running this legislation. What kind of answer do I give my folks when I go home, especially the working mothers who don't make more than four or five dollars an hour who have this real problem? Shall I say, 'Well, we are working on this problem with students and faculty members, but we haven't gotten around to you yet?'"

"I don't think that's a statement. I am asking you for some advice on what I should tell my people when I get home. Everything costs. You say, 'Well, it doesn't cost anything--we are using government buildings--we are using government sponsorship so there has to be some value in what we are doing which is a cost savings to those people who use the services.' I mean, that's historic and it's true in other cases and I'm sure it's true in this case. I guess I am asking you what do I tell my folks when I go back home?"

Senator Gaspard: "Senator Deccio, I've never noticed that you've ever taken my advice on anything, so I am not so sure what I can tell you to tell your constituents. Maybe the best thing to do is tell them that you will introduce a bill and you'd probably get cooperative help from this side of the aisle to address that problem for those constituents that you are concerned about."

Senator Deccio: "Well, thank you for ducking another issue."  
Further debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Saling, I don't understand the bill and I know you are very familiar with it. It says, 'The Washington Institutions of Higher Education Daycare Improvement Program is established to help public institutions improve daycare facilities for children.' The Attorney General has ruled that they can have the daycare and apparently there are a lot of them operating in the common schools and you just indicated there were a lot of daycare programs operating in the community colleges. How did they all arrive at that without this bill and if you can answer that—you indicated that they have in their small-change kitty enough money to handle any of these studies they need—why do we need the bill?"

Senator Saling: "I don't think we do need the bill. Actually, they have the authority to do what it is that the bill asks them to do now—to make a study—and they have the authority to go ahead and start the day school, or a place for the children to go while their parents are working, or their parents are in school and they've done that with their local funds. They do charge. They charge a minimal amount for those people who can pay some money towards the care of those children. I think in almost every instance—I'm not sure—those faculty members pay the full cost for their children and if it's a student in a school, then they pay a reduced cost as they are not fully employed, in most cases.

"Senator, I don't believe that it's necessary to have the bill, although, I would like to see a study made, but they can do that on their own. I don't see why we have to pay every time we ask for a little bit of information from some of our agencies. It seems like every time we ask for something that ought to be done anyway, they say, 'Well, we need another employee, or we need this much money, or whatever.' The original draft of this bill would have given lots of money in a whole bucket, taken out and said, 'Here, do something for daycare,' and we corrected that in committee. We said that maybe they ought to take a look at it, but I still feel that they could take a look at it within their own agencies, within their own institutions without us having to pay for every sheet of paper they might use."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Saling and Bailey.

The motion by Senator Saling failed and the amendment was not adopted on a rising vote.

#### MOTIONS

On motion of Senator Gaspard, the rules were suspended, Second Substitute Senate Bill No. 5871 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Gaspard, further consideration of Second Substitute Senate Bill No. 5871 was deferred.

#### SECOND READING

SENATE BILL NO. 5129, by Senators Talmadge, Garrett, Lee and Stratton

Authorizing revenue bonds for a toll bridge on First Avenue South in Seattle.

The bill was read the second time.

#### MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 5129 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Barr: "Senator Lee, I notice here it says, 'matched by Category C funds.' What does that mean and how much, from where and who's money?"

Senator Lee: "If it was to be entirely built with Category C funds from this state, it would cost a hundred million dollars. Now, there's not a hundred million dollars

available for any one particular project out of Category C. What this would do, would be that it would be divided as far as its total cost is concerned, between the state and a small amount of Category C funds. The Port of Seattle since it is a bridge that goes over the Duwamish River and the Port has property on both sides of that bridge and then this local toll which is anticipated to be about fifty-two percent. When the Highway Department made the study, they figured that with the time line that is in this bill, it would be several years before it actually got done, that they could afford that amount where they couldn't possibly afford the full cost."

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5129.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5129 and the bill passed the Senate by the following vote: Yeas, 47; absent, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Absent: Senators McDermott, McDonald - 2.

SENATE BILL NO. 5129, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTIONS

On motion of Senator Zimmerman, Senator McDonald was excused.

On motion of Senator Bender, Senator McDermott was excused.

#### SECOND READING

SENATE BILL NO. 5155, by Senators Bluechel and Gaspard

Compensating school districts for financial losses due to the transfer or annexation of territory.

#### MOTIONS

On motion of Senator Gaspard, Substitute Senate Bill No. 5155 was substituted for Senate Bill No. 5155 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Gaspard, the rules were suspended, Substitute Senate Bill No. 5155 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5155.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5155 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McDermott, McDonald - 2.

SUBSTITUTE SENATE BILL NO. 5155, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5264, by Senators Halsan, McCaslin, DeJarnatt, Zimmerman and Kiskaddon (by request of Department of Community Development)

Establishing a disaster assistance fund.

## MOTIONS

On motion of Senator Halsan, Substitute Senate Bill No. 5264 was substituted for Senate Bill No. 5264 and the substitute bill was placed on second reading and read the second time.

Senator Lee moved that the following amendments be considered simultaneously and adopted:

On page 1, line 12, after "Sec. 2." strike "The disaster fund is hereby established in the custody of the state treasurer."

On page 1, line 13, after "Moneys in the" insert "governor's emergency"

On page 2, line 1, after "administer" strike "the"

On page 2, line 2, strike "fund" and insert "expenditures"

On page 2, line 3, strike "from" and insert "for"

On page 2, line 3, after "assistance" strike "fund"

On page 2, line 9, beginning with "No appropriation" strike all language through and including "fund." on line 10

On page 2, line 21, strike "disaster assistance" and insert "governor's emergency"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senator Lee.

The motion by Senator Lee failed and the amendments were not adopted.

## MOTION

On motion of Senator Halsan, the rules were suspended, Substitute Senate Bill No. 5264 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5264.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5264 and the bill passed the Senate by the following vote: Yeas, 43; nays, 4; excused, 2.

Voiting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, Moore, Nelson, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 43.

Voiting nay: Senators Anderson, Lee, Metcalf, Newhouse - 4.

Excused: Senators McDermott, McDonald - 2.

SUBSTITUTE SENATE BILL NO. 5264, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 9:48 a.m., on motion of Senator Bender, the Senate was declared to be at ease.

The Senate was called to order at 11:06 a.m. by President Cherberg.

## SECOND READING

SENATE BILL NO. 5662, by Senators Gaspard and Nelson (by request of Legislative Budget Committee)

Requiring schools to solicit competitive bids or proposals when contracting for pupil transportation services.

The bill was read the second time.

## MOTION

On motion of Senator Gaspard, the rules were suspended, Senate Bill No. 5662 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5662.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5662 and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vogndild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Nelson - 1.

SENATE BILL NO. 5662, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President advanced the Senate to the seventh order of business.

There being no objection, the Senate resumed consideration of Second Substitute Senate Bill No. 5871, deferred on third reading and final passage earlier today.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Second Substitute Senate Bill No. 5871.

## ROLL CALL

The Secretary called the roll on final passage of Second Substitute Senate Bill No. 5871 and the bill passed the Senate by the following vote: Yeas, 27; nays, 22.

Voting yea: Senators Anderson, Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, McDermott, Moore, Owen, Peterson, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vogndild, Warnke, Williams, Wojahn - 27.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, West, Zimmerman - 22.

SECOND SUBSTITUTE SENATE BILL NO. 5871, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President returned the Senate to the sixth order of business.

## SECOND READING

SENATE BILL NO. 5632, by Senators Bauer, Gaspard and von Reichbauer (by request of Superintendent of Public Instruction)

Establishing the learning assistance program.

## MOTIONS

On motion of Senator Bauer, Substitute Senate Bill No. 5632 was substituted for Senate Bill No. 5632 and the substitute bill was placed on second reading and read the second time.

Senator Craswell moved that the following amendments by Senators Craswell, McDonald and Cantu be considered simultaneously and adopted:

On page 1, line 7, strike "for the students in grades kindergarten through twelve" and insert "for students in grades two through six who are below grade level in reading, mathematics, or language arts"

On line 2, line 5, after "those students" insert "in grades two through six who are below grade level in reading, mathematics, or language arts"

On page 3, line 17, after "grades" strike "kindergarten through twelve" and insert "two through six"

On page 3, line 22, after "grades" strike "kindergarten through twelve" and insert "two through six"

Debate ensued.

## POINT OF INQUIRY

Senator Gaspard: "Senator Bauer, there have been many groups, commissions and committees that have recommended to us changes in education. I seem to

recall that one of the groups, the Washington Round Table of the corporate executives for the state of Washington had a recommendation on the remediation program. Do you recall what that recommendation is?"

Senator Bauer: "Yes, Senator Gaspard, the recommendation was that we extend the remediation program, as we know it in two through six, through the twelfth grade."

Senator Bauer demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senators Craswell, McDonald and Cantu.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Craswell failed and the amendments were not adopted by the following vote: Yeas, 21; nays, 27; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, West, Zimmerman - 21.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kiskaddon, Kreidler, McDermott, Moore, Owen, Peterson, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognilid, von Reichbauer, Warnke, Williams, Wojahn - 27.

Absent: Senator Lee - 1.

#### MOTION

On motion of Senator Gaspard, the rules were suspended, Substitute Senate Bill No. 5632 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Deccio: "Senator Bauer, I can appreciate the attention that is given this problem. My question is, what does the SPI have in mind to follow up with a survey or some sort of a test to determine whether this additional appropriation of thirty-one and a half million is going to do some good?"

Senator Bauer: "I am glad you asked that, Senator Deccio. This program, unlike many of the other programs, we have a constant evaluation and monitoring through the fourth, eighth and eleventh grade tests. Each year, each district will get funds based upon the number of students it has in that lower twenty-five percentile. When we have sufficiently addressed the problem, we will sunset this program. This program will not any longer be needed once we have achieved the objective. By fourth grade, eighth grade and eleventh grade testing--another good program that this Legislature passed--we're able to monitor the success of this program like we did in the RAP for the grades two through six, as the chart has indicated in those basic skills. It is one of those few programs that we have--a state-wide, nationally-normed testing program to evaluate achievement in those skills on an on-going basis, so I highly recommend it to you, Senator Deccio."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5632.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5632 and the bill passed the Senate by the following vote: Yeas, 27; nays, 21; absent, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, McDermott, Moore, Owen, Peterson, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognilid, Warnke, Williams, Wojahn - 27.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, von Reichbauer, West, Zimmerman - 21.

Absent: Senator Lee - 1.

SUBSTITUTE SENATE BILL NO. 5632, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Vognild, the Senate advanced to the eighth order of business.

## MOTION

On motion of Senator Saling, the following resolution was adopted:

## SENATE RESOLUTION 1987-8631

by Senators Saling, Stratton, West, McCaslin, Barr, Vognild, Rasmussen, Pullen, Zimmerman and Gaspard

WHEREAS, Seven Air Force crewmen died tragically at 1:20 p.m. Friday, March 13 in a plane crash at Fairchild Air Force Base; and

WHEREAS, The crewmen on that ill-fated flight were Lt. Col. Michael W. Cornett, Capt. Frank Johnson, Capt. Christopher Chapman, Capt. James W. Litzinger, 1st Lt. Mark L. Myers, Staff Sgt. Rodney S. Erks and Senior Master Sgt. Paul W. Hamilton; and

WHEREAS, These men were crewmen of the Thunderhawks aerial demonstration team; and

WHEREAS, The United States Air Force has honored each of the crew members with the prestigious Meritorious Service Medal; and

WHEREAS, This untimely occurrence saddens the people of Washington State; and

WHEREAS, It is appropriate that we properly express our grief and sympathy to the families of these brave men who died in service to their country; and

WHEREAS, We must continually acknowledge the sacrifice of the men who serve in the United States Armed Forces; and

WHEREAS, all the men who serve in our Armed Forces do so selflessly and without regard to personal risk;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington pauses on this 18th day of March, 1987, to honor and memorialize these men whose lives and deeds were spent in service to their nation and its people; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit copies of this resolution to the families and the commanding officer of those who died while honorably serving our country.

## MOTIONS

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Vognild, the Committee on Agriculture was relieved of further consideration of Engrossed Substitute House Bill No. 571.

On motion of Senator Vognild, Engrossed Substitute House Bill No. 571 was referred to the Committee on Parks and Ecology.

## MOTION

At 12:11 p.m., on motion of Senator Vognild, the Senate recessed until 2:00 p.m.

## AFTERNOON SESSION

The Senate was called to order at 2:35 p.m. by President Cherberg.

There being no objection, the President returned the Senate to the sixth order of business.

## SECOND READING

SENATE BILL NO. 5679, by Senators Williams, Owen, Benitz, Stratton and Sellar  
Providing procedures for confidentiality for information filed with the utilities and transportation commission.

## MOTIONS

On motion of Senator Williams, Substitute Senate Bill No. 5679 was substituted for Senate Bill No. 5679 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Williams, the rules were suspended, Substitute Senate Bill No. 5679 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5679.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5679 and the bill passed the Senate by the following vote: Yeas, 47; absent, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Absent: Senators Bauer, Zimmerman - 2.

SUBSTITUTE SENATE BILL NO. 5679, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5467, by Senators Kreidler, McCaslin, Deccio and Fleming (by request of Corrections Standards Board)

Changing membership on and extending the corrections standards board.

The bill was read the second time.

#### MOTION

On motion of Senator Wojahn, the rules were suspended, Senate Bill No. 5467 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5467.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5467 and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Voting nay: Senator Tanner - 1.

Absent: Senator Zimmerman - 1.

SENATE BILL NO. 5467, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5274, by Senators Gaspard, Kiskaddon, Bauer and Smitherman

Recognizing teachers' in-service training and continuing education for compensation purposes.

#### MOTIONS

On motion of Senator Gaspard, Substitute Senate Bill No. 5274 was substituted for Senate Bill No. 5274 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Gaspard, the rules were suspended, Substitute Senate Bill No. 5274 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Patterson: "Senator Gaspard, how does the in-service training program that we have before us tie into the college credit courses that impact the LEAP schedule? Is this an alternative to that or could you go either route?"

Senator Gaspard: "Yes, Senator Patterson, this would give another alternative of advancing on the LEAP schedule other than what the college credit would be. As a matter of fact, in the organizations that may be giving in-service training classes to the teaching profession, it is anticipated that the college and universities may be those that would give those classes for the clock hour requirements, but this is in addition to what the colleges and universities will do right now for college credits."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5274.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5274 and the bill passed the Senate by the following vote: Yeas, 33; nays, 15; absent, 1.

Voting yea: Senators Anderson, Barr, Bauer, Bender, Bottiger, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, Moore, Nelson, Patterson, Peterson, Rasmussen, Rinehart, Smitherman, Stratton, Tanner, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn - 33.

Voting nay: Senators Bailey, Benitz, Bluechel, Cantu, Deccio, Hansen, McCaslin, McDonald, Newhouse, Owen, Pullen, Saling, Sellar, Talmadge, Zimmerman - 15.

Absent: Senator Metcalf - 1.

SUBSTITUTE SENATE BILL NO. 5274, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5313, deferred on second reading March 13, 1987.

#### MOTIONS

On motion of Senator Gaspard, the following amendment was adopted:

On page 6, line 8, after "to the" strike "office of the governor" and insert "superintendent of public instruction"

Senator Craswell moved that the following amendment by Senators Craswell, Pullen, Rasmussen and Owen be adopted:

On page 5, line 27, after "programs" insert "; PROVIDED, That this shall not include information, research, or programs involving techniques to alter the personality such as values clarification, sensitivity training, encounter groups, or any similar psychological techniques"

Debate ensued.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Craswell, Pullen, Rasmussen and Owen.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Craswell failed and the amendment was not adopted by the following vote: Yeas, 22; nays, 26; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Cantu, Craswell, Hayner, Johnson, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Sellar, Tanner, von Reichbauer, Zimmerman - 22.

Voting nay: Senators Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kiskaddon, Kreidler, Lee, McDermott, Peterson, Rinehart, Saling, Smitherman, Stratton, Talmadge, Vognlid, Warnke, West, Williams, Wojahn - 26.

Absent: Senator Deccio - 1.

#### MOTION

On motion of Senator Gaspard, the rules were suspended, Engrossed Substitute Senate Bill No. 5313 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5313.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5313 and the bill passed the Senate by the following vote: Yeas, 36; nays, 11; absent, 2.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Bluechel, Conner, Decchio, DeJarnatt, Fleming, Garrett, Gaspard, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Peterson, Rinehart, Saling, Sellar, Smitherman, Stratton, Tanner, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 36.

Voting nay: Senators Barr, Benitz, Cantu, Craswell, Halsan, McCaslin, Moore, Rasmussen, Talmadge, Vognild, West - 11.

Absent: Senators Bottiger, Pullen - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5313, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5880, by Senators Benitz, Saling, Bailey, Owen and Bauer

Establishing a tuition recovery fund for private vocational schools.

#### MOTIONS

On motion of Senator Gaspard, Substitute Senate Bill No. 5880 was substituted for Senate Bill No. 5880 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Gaspard, the rules were suspended, Substitute Senate Bill No. 5880 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5880.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5880 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Decchio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE SENATE BILL NO. 5880, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President advanced the Senate to the seventh order of business.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5911, deferred on reconsideration March 17, 1987.

Debate on Substitute Senate Bill No. 5911, on reconsideration, ensued.

#### MOTION

On motion of Senator Zimmerman, Senators Cantu and von Reichbauer were excused.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5911, on reconsideration.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5911, on reconsideration and the bill passed the Senate by the following vote: Yeas, 25; nays, 22; excused, 2.

Voting yea: Senators Bailey, Bender, Bluechel, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Kiskaddon, Kreidler, Lee, McDermott, McDonald, Metcalf, Moore, Peterson, Rinehart, Stratton, Talmadge, Vogndild, Warnke, Williams, Wojahn, Zimmerman - 25.

Voting nay: Senators Anderson, Barr, Bauer, Benitz, Bottiger, Craswell, Deccio, Hansen, Hayner, Johnson, McCaslin, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Tanner, West - 22.

Excused: Senators Cantu, von Reichbauer - 2.

SUBSTITUTE SENATE BILL NO. 5911, on reconsideration, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Joint Resolution No. 8210, deferred on third reading and final passage March 12, 1987.

Debate on Senate Joint Resolution No. 8210 ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Joint Resolution No. 8210.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Joint Resolution No. 8210 and the resolution failed to pass the Senate by the following vote: Yeas, 30; nays, 18; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Bottiger, Conner, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McDermott, Moore, Owen, Patterson, Peterson, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vogndild, Warnke, Williams, Wojahn, Zimmerman - 30.

Voting nay: Senators Anderson, Barr, Benitz, Bluechel, Craswell, Fleming, Hayner, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, West - 18.

Excused: Senator Cantu - 1.

SENATE JOINT RESOLUTION NO. 8210, having failed to receive the constitutional two-thirds majority, was declared lost.

#### MOTION

Having voted on the prevailing side, Senator Fleming served notice that he would move to reconsider the vote by which Senate Joint Resolution No. 8210 failed to pass the Senate.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5854, deferred on third reading and final passage March 13, 1987.

Debate on Substitute Senate Bill No. 5854 ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5854.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5854 and the bill passed the Senate by the following vote: Yeas, 42; nays, 6; excused, 1.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vogndild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Voting nay: Senators Barr, Fleming, Johnson, McDermott, Nelson, West - 6.

Excused: Senator Cantu - 1.

SUBSTITUTE SENATE BILL NO. 5854, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President returned the Senate to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 5529, by Senator Fleming

Providing for certification of minority and women-owned and controlled business enterprises.

The bill was read the second time.

## MOTIONS

On motion of Senator Halsan, the following Committee on Governmental Operations amendment was adopted:

On page 4, line 35, after "office;" strike "and" and insert a new subsection as follows:

"(e) City of Spokane affirmative action office; and"

Renumber the remaining subsection accordingly

Senator Talmadge moved that the following amendment by Senators Talmadge and Fleming be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 120, Laws of 1983 and RCW 39.19.010 are each amended to read as follows:

The legislature finds that minority and women-owned businesses are significantly under-represented and have been denied equitable competitive opportunities in contracting. It is the intent of this chapter to mitigate societal discrimination and other factors in participating in public works and in providing goods and services and to delineate a policy that an increased level of participation by minority and women-owned and controlled businesses is desirable at all levels of state government. The purpose and intent of this chapter are to provide the maximum practicable opportunity for increased participation by minority and women-owned and controlled businesses in participating in public works and the process by which goods and services are procured by state agencies and educational institutions from the private sector.

Sec. 2. Section 2, chapter 120, Laws of 1983 and RCW 39.19.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Advisory committee" means the advisory committee on minority and women's business enterprises.

(2) "Director" means the director of the office of minority and women's business enterprises.

(3) "Educational institutions" means the state universities, the regional universities, The Evergreen State College, and the community colleges.

(4) "Goals" means annual overall agency goals, expressed as a percentage of dollar volume, for participation by minority and women-owned and controlled businesses and shall not be construed as a minimum goal for any particular contract or for any particular geographical area. It is the intent of this chapter that such overall agency goals shall be achievable and shall be met on a contract-by-contract or class-of-contract basis.

(5) "Goods and/or services" includes professional services and all other goods and services.

(6) "Office" means the office of minority and women's business enterprises.

(7) "Person" includes one or more individuals, partnerships, associations, organizations, corporations, cooperatives, legal representatives, trustees and receivers, or any group of persons.

(8) "Procurement" means the purchase, lease, or rental of any goods or services.

((8)) (9) "Public works" means all work, construction, highway and ferry construction, alteration, repair, or improvement other than ordinary maintenance, which a state agency or educational institution is authorized or required by law to undertake.

((9)) (10) "State agency" includes the state of Washington and all agencies, departments, offices, divisions, boards, commissions, and correctional and other types of institutions.

Sec. 3. Section 3, chapter 120, Laws of 1983 and RCW 39.19.030 are each amended to read as follows:

There is hereby created the office of minority and women's business enterprises. The governor shall appoint a director for the office, subject to confirmation by the senate. The director may employ a deputy director and a confidential secretary, both of which shall be exempt under chapter 41.06 RCW, and such staff as are necessary to carry out the purposes of this chapter.

The office, with the advice and counsel of the advisory committee on minority and women's business enterprises, shall:

(1) Develop, plan, and implement programs to provide an opportunity for participation by qualified minority and women-owned and controlled businesses in public works and the process by which goods and services are procured by state agencies and educational institutions from the private sector;

(2) Develop a comprehensive plan insuring that qualified minority and women-owned and controlled businesses are provided an opportunity to participate in public contracts for public works and goods and services;

(3) Identify barriers to equal participation by qualified minority and women-owned and controlled businesses in all state agency and educational institution contracts;

(4) Establish annual overall goals for participation by qualified minority and women-owned and controlled businesses for each state agency and educational institution to be administered on a contract-by-contract basis or on a class-of-contracts basis;

(5) Develop and maintain a central minority and women's business enterprise certification list for all state agencies and educational institutions. (~~Size of business or length of time in business shall not be considered a prerequisite for the certification list~~) No business is entitled to certification under this chapter if it exceeds the small business requirements defined in section 3 of the small business act, 15 U.S.C. Sec. 632, and its implementing regulations. All applications for certification under this chapter shall be sworn under oath;

(6) Develop, implement, and operate a system of monitoring compliance with this chapter;

(7) Adopt rules under chapter 34.04 or 28B.19 RCW, as appropriate, governing: (a) Establishment of agency goals; (b) development and maintenance of a central minority and women's business enterprise certification program; (c) procedures for monitoring and enforcing compliance with goals, regulations, contract provisions, and this chapter; and (d) utilization of standard clauses by state agencies and educational institutions, as specified in RCW 39.19.050: ~~((and))~~

(8) Submit an annual report to the governor and the legislature outlining the progress ~~((and economic impact on the public and private sectors of))~~ in implementing this chapter;

(9) Investigate complaints of violations of this chapter with the assistance of the involved agency or educational institution; and

(10) Cooperate and act jointly or by division of labor with the United States or other states, and with political subdivisions of the state of Washington and their respective minority, disadvantaged and women business enterprise programs to carry out the purposes of this chapter. However, the power which may be exercised by the office under this subsection permits investigation and imposition of sanctions only if the investigation relates to a possible violation of chapter 39.19 RCW, and not to violation of local ordinances, rules, regulations, however denominated, adopted by political subdivisions of the state.

Sec. 4. Section 7, chapter 120, Laws of 1983 and RCW 39.19.070 are each amended to read as follows:

It is the intent of this chapter that the goals established under this chapter for participation by minority and women-owned and controlled businesses be achievable. If necessary to accomplish this intent, contracts shall be awarded to the next lowest bidder, or all bids may be rejected and new bids obtained, if the lowest bidder does not meet the goals established for a particular contract under this chapter. The dollar value of the total contract used for the calculation of the specific contract goal may be increased or decreased to reflect executed change orders. An apparent low-bidder must be in compliance with the contract provisions required under this chapter as a condition precedent to the granting of a notice of award by any state agency or educational institution.

Sec. 5. Section 8, chapter 120, Laws of 1983 and RCW 39.19.080 are each amended to read as follows:

~~((f))~~ (1) A person, firm, corporation, business, union, or other organization shall not:

(a) Prevent((s)) or interfere((s)) with a contractor's or subcontractor's compliance with this chapter, or any rule adopted under this chapter((-or));

(b) Submit((s)) false or fraudulent information to the state concerning compliance with this chapter or any such rule((-or violates this chapter or any rule adopted under this chapter, the person or entity shall be subject to a fine not to exceed one thousand dollars, in addition to any other penalty or sanction prescribed by law;

After an administrative hearing and findings of fact by the state agency or educational institution and after the exhaustion of administrative remedies, any adverse decision under this section may be appealed to Thurston county superior court or to any superior court in any county where the alleged violation occurred:);

(c) Fraudulently obtain, retain, attempt to obtain or retain, or aid another in fraudulently obtaining or retaining or attempting to obtain or retain certification as a minority or women's business enterprise for the purpose of this chapter;

(d) Knowingly make a false statement, whether by affidavit, verified statement, report, or other representation, to a state official or employee for the purpose of influencing the certification or denial of certification of any entity as a minority or women's business enterprise;

(e) Knowingly obstruct, impede, or attempt to obstruct or impede any state official or employee who is investigating the qualification of a business entity that has requested certification as a minority or women's business enterprise;

(f) Fraudulently obtain, attempt to obtain, or aid another person in fraudulently obtaining or attempting to obtain public moneys to which the person is not entitled under this chapter; or

(g) Knowingly make false statements that any entity is or is not certified as a minority or women's business enterprise for purposes of obtaining a contract governed by this chapter.

(2) Any person or entity violating this chapter or any rule adopted under this chapter shall be subject to the penalties in RCW 39.19.090. Nothing in this section prevents the state agency or educational institution from pursuing such procedures or sanctions as are otherwise provided by statute, rule, or contract provision.

Sec. 6. Section 9, chapter 120, Laws of 1983 and RCW 39.19.090 are each amended to read as follows:

If a person, firm, corporation, or business does not comply with any provision of this chapter or with a contract (~~(required)~~ requirement established under this chapter, the state may withhold payment, ~~debar the contractor~~, suspend, or terminate the contract and subject the contractor to civil penalties of up to ten percent of the amount of the contract or up to five thousand dollars (~~(- whichever is less)~~) for each violation. The office shall adopt, by rule, criteria for the imposition of penalties under this section. Willful repeated violations, exceeding a single violation, may disqualify the contractor from further participation in state contracts for a period of ~~((one year))~~ up to three years. An apparent low-bidder must be in compliance with the contract provisions required under this chapter as a condition precedent to the granting of a notice of award by any state agency or educational institution.

~~((After an administrative hearing and findings of fact by the state agency or educational institution and after the exhaustion of administrative remedies, any adverse decision under this section may be appealed to Thurston county superior court or to any superior court in any county where the alleged violation occurred.))~~

The office shall follow administrative procedures under chapter 34.04 RCW in determining a violation and imposing penalties under this chapter.

The procedures and sanctions in this section are not exclusive; nothing in this section prevents the state agency or educational institution administering the contracts from pursuing such procedures or sanctions as are otherwise provided by statute, rule, or contract provision.

NEW SECTION, Sec. 7. A new section is added to chapter 39.19 RCW to read as follows:

The office shall be the sole authority to perform certification of minority business enterprises, disadvantaged business enterprises, and women's business enterprises throughout the state of Washington. Certification by the state office will allow these firms to participate in programs for these enterprises administered by the state of Washington, any city, town, county, special purpose district, public corporation created by the state, municipal corporation, or quasi-municipal corporation within the state of Washington.

This state-wide certification process will prevent duplication of effort, achieve efficiency, and permit local jurisdictions to further develop, implement, and/or enhance comprehensive systems of monitoring and compliance for contracts issued by their agencies.

NEW SECTION, Sec. 8. A new section is added to chapter 39.19 RCW to read as follows:

There is created an organization to be known as the council of minority and women's business enterprises.

(1) The members of the council shall consist of one representative of each of the following entities:

(a) The municipality of metropolitan Seattle contract compliance office;

(b) The King County affirmative action program;

(c) The city of Seattle human rights department;

(d) The port of Seattle equal employment opportunity office;

(e) The city of Spokane affirmative action office; and

(f) The state office of minority and women's business enterprises.

(2) Any program performing certification functions prior to January 1, 1988, which are similar in purpose to the certification program of the office and which are operated by any state agency, public corporation created by the state, city, county, town, special purpose district, municipal corporation, or quasi-municipal corporation may petition the office for participation on the council and for the acceptance of its list of certified businesses.

(3) The role of the council shall be:

(a) To assist the office in the development of certification procedures;

(b) To provide the office with information on certification issues relating to their jurisdiction;

(c) To ensure that requirements relative to the needs of minority and women's business enterprises are considered in the certification process; and

(d) To ensure that requirements relative to the needs of local programs are considered in the certification process.

(4) Members of the council have the right:

(a) To submit petitions for reconsideration of certification decisions made by the office; and

(b) To make recommendations with regards to the certification process.

(5) The council shall conduct regularly scheduled meetings. The number of council members participating in such meetings shall not exceed fifteen. If the number of entities represented on the council exceeds fifteen in number, the council shall elect from its members a maximum of fifteen persons to act as representatives at council meetings. Council members shall not be entitled to compensation beyond the customary reimbursement or allowance for expenses for attendance at meetings of such groups, in accordance with RCW 43.03.220.

NEW SECTION, Sec. 9. A new section is added to chapter 39.19 RCW to read as follows:

Implementation of state-wide certification shall be effective January 1, 1988, following consultation by the office with appropriate state and local officials who currently administer similar certification programs. Any business having been certified under any of the programs identified pursuant to section 8 of this act as a minority and women's business enterprise shall be deemed certified by the office as of January 1, 1988.

NEW SECTION, Sec. 10. A new section is added to chapter 39.19 RCW to read as follows:

(1) Any city, county, town, special purpose district, public corporation created by the state, municipal corporation, or quasi-municipal corporation having reason to believe that a particular minority and women's business enterprise should not have been certified under section 9 of this act may petition the office for reconsideration. The basis for the petition may be one or more of the following:

(a) The office's rules or regulations were improperly applied; or

(b) Material facts relating to the minority and women's business enterprise's certification application to the office are untrue.

(2) The petitioner shall carry the burden of persuasion. The affected minority or women's business enterprise shall receive notice of the petition and an opportunity to respond.

(3) After reviewing the information presented in support of and in opposition to the petition, the office shall issue a written decision, granting or denying the petition. If the office grants the petition, it may revoke, suspend, or refuse to renew the certification or impose sanctions under this chapter as appropriate.

(4) The office's decision on a petition is administratively final and the rights of appeal set out in the office regulations shall apply. A certification shall remain in effect while a petition is pending.

NEW SECTION. Sec. 11. A new section is added to chapter 39.19 RCW to read as follows:

Any city, town, county, special purpose district, public corporation created by the state, municipal corporation, or quasi-municipal corporation within the state of Washington utilizing the certification by the office retains the responsibility for monitoring compliance with the programs under its jurisdiction. The office shall not be responsible for enforcement of local ordinances, rules, or regulations, however titled.

NEW SECTION. Sec. 12. A new section is added to chapter 39.19 RCW to read as follows:

The attorney general may bring an action in the name of the state against any person to restrain and prevent the doing of any act prohibited or declared to be unlawful in this chapter. The attorney general may, in the discretion of the court, recover the costs of the action including reasonable attorneys' fees and the costs of investigation.

NEW SECTION. Sec. 13. A new section is added to chapter 39.19 RCW to read as follows:

(1) Whenever the attorney general believes that any person (a) may be in possession, custody, or control of any original or copy of any book, record, report, memorandum, paper, communication, tabulation, map, chart, photograph, mechanical transcription, or other tangible document or recording, wherever situated, that the attorney general believes to be relevant to the subject matter of an investigation, the attorney general may require such person to answer written interrogatories or give oral testimony regarding a possible violation of this chapter, or of any provision of a contract as required by this chapter, or (b) may have knowledge of any information that the attorney general believes relevant to the subject matter of such an investigation, the attorney general may, before instituting a civil proceeding thereon, execute in writing and cause to be served upon such a person, a civil investigative demand requiring the person to produce the documentary material and permit inspection and copying, to answer in writing written interrogatories, to give oral testimony, or any combination of demands pertaining to the documentary material or information. Documents and information obtained under this section shall not be admissible in criminal prosecutions.

(2) Each such demand shall:

(a) State the statute, the alleged violation of which is under investigation, and the general subject matter of the investigation;

(b) State with reasonable specificity what documentary material is required, if the demand is for the production of documentary material;

(c) Prescribe a return date governed by the court rules within which the documentary material is to be produced, the answers to written interrogatories are to be made, or a date, time, and place at which oral testimony is to be taken; and

(d) Identify the members of the attorney general's staff to whom such documentary material is to be made available for inspection and copying, to whom answers to written interrogatories are to be made, or who are to conduct the examination for oral testimony.

(3) No such demand may:

(a) Contain any requirement that would be unreasonable or improper if contained in a subpoena duces tecum, a request for answers to written interrogatories, or a notice of deposition upon oral examination issued under the court rules of this state; or

(b) Require the disclosure of any documentary material which would be privileged, or which for any other reason would not be required by a subpoena duces tecum issued by a court of this state.

(4) Service of any such demand may be made by:

(a) Delivering a duly executed copy thereof to the person to be served, or, if that person is not a natural person, to any officer or managing agent of the person to be served;

(b) Delivering a duly executed copy thereof to the principal place of business in this state of the person to be served; or

(c) Mailing by registered or certified mail a duly executed copy thereof addressed to the person to be served at the principal place of business in this state, or, if that person has no place of business in this state, to the person's principal office or place of business.

(5)(a) Documentary material demanded under this section shall be produced for inspection and copying during normal business hours at the principal office or place of business of the person served, or at such other times and places as may be agreed upon by the person served and the attorney general;

(b) Written interrogatories in a demand served under this section shall be answered in the same manner as provided in the civil rules for superior court;

(c) The oral testimony of any person obtained pursuant to a demand served under this section shall be taken in the same manner as provided in the civil rules for superior court for the taking of depositions. In the course of the deposition, the assistant attorney general conducting the examination may exclude all persons other than the person being examined, the person's counsel, and the officer before whom the testimony is to be taken from the place where the examination is held;

(d) Any person compelled to appear pursuant to a demand for oral testimony under this section may be accompanied by counsel;

(e) The oral testimony of any person obtained pursuant to a demand served under this section shall be taken in the county within which the person resides, is found, or transacts business, or in such other place as may be agreed upon between the person served and the attorney general.

(6) No documentary material, answers to written interrogatories, or transcripts of oral testimony produced pursuant to a demand, or copies thereof, may, unless otherwise ordered by a superior court for good cause shown, be produced for inspection or copying by, nor may the contents thereof be disclosed to, anyone other than an authorized employee or agent of the attorney general, without the consent of the person who produced such material, answered written interrogatories, or gave oral testimony: PROVIDED, That under such reasonable terms and conditions as the attorney general shall prescribe, the copies of such documentary material, answers to written interrogatories, or transcripts of oral testimony shall be available for inspection and copying by the person who produced the material, answered written interrogatories, or gave oral testimony, or any duly authorized representative of that person. The attorney general or any assistant attorney general may use such copies of documentary material, answers to written interrogatories, or transcripts of oral testimony as he or she determines necessary to enforce this chapter, including presentation before any court: PROVIDED FURTHER, That any such material, answers to written interrogatories, or transcripts of oral testimony that contain material designated by the declarant to be trade secrets shall not be presented except with the approval of the court in which the action is pending after adequate notice to the person furnishing the material, answers to written interrogatories, or oral testimony.

(7) At any time before the return date specified in the demand, or within twenty days after the demand has been served, whichever period is shorter, a petition to extend the return date for, or to modify or set aside a demand issued pursuant to subsection (1) of this section, stating good cause, may be filed in the superior court for Thurston county, or in any other county where the parties reside or are found. A petition, by the person on whom the demand is served, stating good cause, to require the attorney general or any person to perform any duty imposed by this section, and all other petitions in connection with a demand, may be filed in the superior court for Thurston county, or in the county where the parties reside. The court shall have jurisdiction to impose such sanctions as are provided for in the civil rules for superior court with respect to discovery motions.

(8) Whenever any person fails to comply with any civil investigative demand for documentary material, answers to written interrogatories, or oral testimony duly served upon that person under this section, or whenever satisfactory copying or reproduction of any such material cannot be done and the person refuses to surrender such material, the attorney general may file, in the trial court of general jurisdiction in the county in which the person resides, is found, or transacts business, and serve upon that person a petition for an order of the court for the enforcement of this section, except that if such person transacts business in more than one county, the petition shall be filed in the county in which the person maintains his or her principal place of business or in such other county as may be agreed upon by the parties to the petition. Whenever any petition is filed under this section in the trial court of general jurisdiction in any county, the court shall have jurisdiction to hear and determine the matter so presented and to enter such order or orders as may be required to carry into effect this section, and may impose such sanctions as are provided for in the civil rules for superior court with respect to discovery motions.

NEW SECTION. Sec. 14. A new section is added to chapter 39.19 RCW to read as follows:

This chapter shall expire on June 30, 1996, pursuant to sections 16 and 17 of this act pending a full sunset review conducted by the legislative budget committee pursuant to chapter 43.131 RCW, the Washington sunset act.

NEW SECTION. Sec. 15. Section 19, chapter 120, Laws of 1983 and RCW 39.19.900 are each repealed.

NEW SECTION. Sec. 16. A new section is added to chapter 43.131 RCW to read as follows:  
The powers and duties of the office of minority and women's business enterprises shall be terminated on June 30, 1995, as provided in section 17 of this act.

NEW SECTION. Sec. 17. A new section is added to chapter 43.131 RCW to read as follows:  
The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1996:

- (1) Section 1, chapter 120, Laws of 1983, section 1 of this 1987 act and RCW 39.19.010;
- (2) Section 2, chapter 120, Laws of 1983, section 2 of this 1987 act and RCW 39.19.020;
- (3) Section 3, chapter 120, Laws of 1983, section 3 of this 1987 act and RCW 39.19.030;
- (4) Section 4, chapter 120, Laws of 1983, section 45, chapter 466, Laws of 1985 and RCW 39.19.040;
- (5) Section 5, chapter 120, Laws of 1983 and RCW 39.19.050;
- (6) Section 6, chapter 120, Laws of 1983 and RCW 39.19.060;
- (7) Section 7, chapter 120, Laws of 1983, section 4 of this 1987 act and RCW 39.19.070;
- (8) Section 8, chapter 120, Laws of 1983, section 5 of this 1987 act and RCW 39.19.080;
- (9) Section 9, chapter 120, Laws of 1983, section 6 of this 1987 act and RCW 39.19.090;
- (10) Section 7 of this 1987 act;
- (11) Section 8 of this 1987 act;
- (12) Section 9 of this 1987 act;
- (13) Section 10 of this 1987 act;
- (14) Section 11 of this 1987 act;
- (15) Section 12 of this 1987 act; and
- (16) Section 13 of this 1987 act.

NEW SECTION. Sec. 18. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 19. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

#### PARLIAMENTARY INQUIRY

Senator Pullen: "Mr. President, a parliamentary inquiry. I think there is a little confusion. There is a striking amendment by Senators Talmadge and Fleming and then there is an amendment to the striking amendment by Senators Talmadge and Fleming. Perhaps you can clarify whether we are on, or whether we've adopted the amendment to the amendment by Senators Talmadge and Fleming?"

#### REPLY BY THE PRESIDENT

President Cherberg: "That will be proposed, Senator, the Secretary advises."

Senator Pullen: "I believe Senator Talmadge was speaking on the amendment and it would seem to me the proper order we should be on at this point is to discuss the Talmadge, Fleming and Lee amendment to the striking amendment. Is that not correct?"

President Cherberg: "It would be proper at this time to introduce the amendment to the amendment."

Senator Pullen: "The reason I thought it was a little bit confusing was we took the, I believe, the McCaslin amendment to the amendment first and the logical order would have been—"

President Cherberg: "That was a committee amendment."

Senator Pullen: "Oh, that was to the bill? I see. Thank you."

#### REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Mr. President, to clarify, I misspoke in speaking to the amendment. It is a striking amendment and incorporates Senate Bill No. 5202 and Senator Fleming's original bill, so it is both bills wrapped into one. The original amendment we had out on the desk had been simply the addition of Senate Bill No. 5202 to the bill, so I misspoke. It is a striking amendment incorporating Senate Bill No. 5202 and Senator Fleming's original bill. The amendments by Senator Lee, Senator Fleming and I are to the striking amendment."

#### MOTION

On motion of Senator Vognild, further consideration of Senate Bill No. 5529 was deferred.

## MOTION

On motion of Senator Bender, Senator Bauer was excused.

## SECOND READING

SENATE BILL NO. 5650, by Senators Conner, Peterson, Garrett and Barr  
Revising qualifications of pilots.

## MOTIONS

On motion of Senator Hansen, Substitute Senate Bill No. 5650 was substituted for Senate Bill No. 5650 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Conner, the following amendment was adopted:  
On page 1, line 20, after "organizations" insert ", including those"

On motion of Senator Talmadge, the following amendment was adopted:

On page 4, line 19, after "qualifications." insert "The board shall conduct the examination on a regular date, as prescribed by rule, at least twice per year."

On motion of Senator Hansen, the rules were suspended, Engrossed Substitute Senate Bill No. 5650 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5650.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5650 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yeas: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Bauer - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5650, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5704, by Senators Metcalf and Talmadge

Requiring information to be filed with insurance rates.

## MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 5704 was substituted for Senate Bill No. 5704 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Metcalf, the following amendment was adopted:

On page 2, line 9, after "years" insert ", except for private passenger auto which shall be for a period of not less than three years"

On motion of Senator Moore, the rules were suspended, Engrossed Substitute Senate Bill No. 5704 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Deccio: "Senator Metcalf, I am trying to understand what some of the new language does. Does this limit the insurance companies' ability to use only in-state experience when establishing their rates?"

Senator Metcalf: "No, that was another bill. That was another bill that there was some opposition to and that bill was not really considered."

Senator Deccio: "Was this an Insurance Commissioner request bill?"

Senator Metcalf: "No, this was not. I talked it over with him and he had no objection to it. In fact, he was favorable to it, but this is not an Insurance Commissioner request bill."

Senator Deccio: "Well, I am just curious as to why as a result of the study, to look at the cyclical ups and down of the industry are causing, why he didn't request a bill? Do you know the answer to that?"

Senator Metcalf: "I don't know why. No, I can't answer for him."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5704.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5704 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Bauer - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5704, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5555, by Senators Halsan and Zimmerman (by request of Office of Financial Management)

Establishing the department of information technology.

#### MOTIONS

On motion of Senator Gaspard, Second Substitute Senate Bill No. 5555 was substituted for Senate Bill No. 5555 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Halsan, the rules were suspended, Second Substitute Senate Bill No. 5555 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Second Substitute Senate Bill No. 5555.

#### ROLL CALL

The Secretary called the roll on final passage of Second Substitute Senate Bill No. 5555 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Bauer - 1.

SECOND SUBSTITUTE SENATE BILL NO. 5555, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5561, by Senators Warnke, Barr, Smitherman, Lee, Wojahn and Newhouse

Exempting sole proprietorships and partnerships which post a bond or other security from certain requirements for auction companies.

## MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 5561 was substituted for Senate Bill No. 5561 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Warnke, the rules were suspended, Substitute Senate Bill No. 5561 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5561.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5561 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Bauer - 1.

SUBSTITUTE SENATE BILL NO. 5561, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5596, by Senators Vognild, Bailey, Moore, Rasmussen and Stratton

Prescribing penalties for vagrancy.

## MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 5596 was substituted for Senate Bill No. 5596 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pullen, the following amendment was adopted:

On page 1, line 13, after "retail establishment" strike "or other public place"

Senator Rinehart moved that the following amendment by Senators Rinehart and Vognild be adopted:

On page 1, line 13, after "(d)" strike all material down to and including "solicit" on line 18 and insert "Accosts other persons in any public place or in any place open to the public for the purpose of begging or soliciting alms"

## POINT OF INQUIRY

Senator Vognild: "Senator Rinehart, I understand your concerns regarding First Amendment protection. My concerns are for First Amendment protection and for the protection of innocent citizens being solicited and harassed. Does your amendment, in your opinion, adequately protect those being solicited and give the police some ability to handle this growing problem?"

Senator Rinehart: "Thank you, Senator Vognild, as a matter of fact, it does. The language is based on a California statute which has been ruled constitutional by the California Court of Appeals. The purpose is to protect members of the public from the annoyance of being approached in a public place by beggars. It is aimed at the conduct of the individual who goes about the streets accosting others for handouts. The language is intended to exclude from the scope of the bill the blind or crippled person, who merely sits or stands by the wayside and the Salvation Army worker who solicits funds for charity on the streets at Christmas. Walking up to and approaching another for the purpose of soliciting, as opposed to merely receiving donations, is prohibited. The manner of approach is pertinent. The language forbids any approach in a public place for the purpose of soliciting or begging for alms."

Further debate ensued.

## POINT OF INQUIRY

Senator Pullen: "Senator Talmadge, as chairman of the Judiciary Committee through which this legislation passed, I was hoping you might be able to clarify the meaning of the word, 'accost' perhaps for the purpose of determining legislative intent. We have used in discussion in debate so far today, the fact that this amendment by Senator Rinehart was intended to get at aggressive behavior that could interfere with the rights of passersby and other citizens. Could you, perhaps, clarify the meaning of the word, 'accost?'"

Senator Talmadge: "Senator, I think you have conveyed my sense of that word. It conveys to me, at least, some sense of active involvement, aggressive behavior, as opposed to passively standing by and not taking any affirmative action with respect to a passerby or another who is in the vicinity."

## POINT OF INQUIRY

Senator Talmadge: "Senator Rinehart, the only concern I have about passing a Washington State statute predicated on a California law that's been upheld by one division of the California Court of Appeals, which has many divisions, is that somebody might be presently petitioning the California Supreme Court for review of that decision of the California Court of Appeals. To your knowledge, is there a petition for review pending in the California Supreme Court with respect to that decision?"

Senator Rinehart: "I have no knowledge of that, Senator Talmadge, but in my judgment, it doesn't matter what the source of it is, it's certainly our privilege to choose whatever language we wish no matter what's going on in California. I used that as an example simply as an instruction for what one court has done."

The President declared the question before the Senate to be adoption of the amendment by Senators Rinehart and Vognlid.

The motion by Senator Rinehart carried and the amendment was adopted.

## MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute Senate Bill No. 5596 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5596.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5596 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Bauer - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5596, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 5:04 p.m., on motion of Senator Vognlid, the Senate recessed until 5:15 p.m.

## SECOND AFTERNOON SESSION

The Senate was called to order at 5:26 p.m. by President Cherberg.

## SECOND READING

SENATE BILL NO. 5783, by Senators Nelson, Owen and Metcalf

Prohibiting personal service contracts of lobbyists during a legislative session.

The bill was read the second time.

## MOTION

On motion of Senator Vognild, the rules were suspended, Senate Bill No. 5783 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Halsan: "Senator Nelson, I followed the bill out of committee. Generally, I think it provides something that is, perhaps, necessary, but does the bill include personal service contracts with members of the Legislature or the executives such as the Governor which are not services for the government, but potentially which are campaign services and would this then prohibit somebody who, in their business, did campaign work, from, in fact, doing any of that for a potential candidate during the period of a legislative session, if he happened to be a lobbyist as well?"

Senator Nelson: "I'll see if I can restate your question and understand specifically what you would like. The question as I understand it is, you are asking whether or not someone can have a personal service contract being paid from some other source other than state funds for carrying out some purpose such as campaigning or some other effort where the effort may come back to help state government, yet is not paid for from state funds? Yes, you could do that. You could collect money from some other sources, private sources, to carry out some effort as a personal services contract for someone, but it is not an official personal services contract that would be filed with the Office of Financial Management which is one of the restrictions today."

Senator Halsan: "So, we are really only dealing with personal services contracts filed with OFM?"

Senator Nelson: "That's correct, every official personal services contract, whether it is out for bid or sole provider, has to go through the Office of Financial Management for the purposes of monitoring the activity of the provider and for the payment for those services."

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5783.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5783 and the bill passed the Senate by the following vote: Yeas, 47; absent, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senators Kiskaddon, West - 2.

SENATE BILL NO. 5783, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Zimmerman, Senator Kiskaddon was excused.

## SECOND READING

SENATE BILL NO. 5801, by Senator Warnke

Relating to industrial insurance.

## MOTION

On motion of Senator Smitherman, Substitute Senate Bill No. 5801 was substituted for Senate Bill No. 5801 and the substitute bill was placed on second reading and read the second time.

## MOTION

Senator Anderson moved that the following amendment by Senators Anderson and West be adopted:

On page 1, line 24, after "resources" strike ", whether such members are volunteer, partly paid, or fully paid."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Anderson and West.

The motion by Senator Anderson failed and the amendment was not adopted on a rising vote.

## MOTION

Senator Anderson moved that the following amendment by Senators Anderson and West be adopted:

On page 1, line 21, after "In the case of" insert "fully paid"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Anderson and West.

The motion by Senator Anderson failed and the amendment was not adopted.

## MOTION

Senator Warnke moved that the following amendments by Senators Warnke, Pullen and von Reichbauer be considered simultaneously and adopted:

On page 1, line 21, after "fire" strike all material down to and including "fully paid" on line 25, and insert "fighters as defined in RCW 41.26.030(4) who are covered under chapter 51 RCW."

On page 2, line 7, after "case of" strike all material down to and including "patrol" on line 10 and insert "law enforcement officers as defined in RCW 41.26.030(3) who are covered under chapter 51 RCW"

## MOTION

Senator Lee moved that the following amendment to the amendments be adopted:

On line 21 of the amendment, after "(4)" insert "(a), (b), and (c)"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Lee to the amendments by Senators Warnke, Pullen and von Reichbauer.

The motion by Senator Lee carried and the amendment to the amendments was adopted.

The President declared the question before the Senate to be adoption of the amendments by Senators Warnke, Pullen and von Reichbauer, as amended.

The motion by Senator Warnke carried and the amendments, as amended, were adopted.

## MOTION

Senator Zimmerman moved that the following amendments by Senators Zimmerman, Lee and West be considered simultaneously and adopted.

On page 1, line 27, after "related" strike the period and insert ": PROVIDED, That these members have met requirements established by their employer concerning smoking, weight, physical fitness, and exposure to hazards through other employment and recreation activities."

On page 2, line 12, after "related" strike the period and insert ": PROVIDED, That these members have met requirements established by their employer concerning smoking, weight, physical fitness, and exposure to hazards through other employment and recreation activities."

Debate ensued.

## POINT OF INQUIRY

Senator Warnke: "Senator Zimmerman, if you could explain to me what is meant by the words if you read them this way, 'Provided that members have met requirements established by their employer concerning exposure to hazards through other employment and recreation activities.' Does that mean the employer

is going to come up with a list of recreational activities the fireman or police officer may or may not be able to participate in? What are 'other employment hazards--exposure to hazards through other employment.' I mean, what business is that of the employer?"

Senator Zimmerman: "For example, say he was going to be a bouncer at a tavern. Maybe that would be considered hazardous in some respects and could be a problem that he'll be involved in. The installation of asbestos in some hazard use in their house; recreational activities where he is a lifeguard at a camp. These are, obviously, supplemental jobs that he would be holding. I suppose that mountain climbing in some respects in some parts of the world would be considered in that category. You know, you take on a job with certain requirements and this is what I'm saying. They should have some ability to set some requirements."

The President declared the question before the Senate to be adoption of the amendments by Senators Zimmerman, Lee and West.

The motion by Senator Zimmerman failed and the amendments were not adopted.

#### MOTION

Senator McDonald moved that the following amendments by Senators McDonald, Bluechel and Anderson be considered simultaneously and adopted:

On page 1, line 28, after "rebuttable" insert "and evidence of exposure to other contaminants or stresses shall be considered sufficient evidence to rebut the presumption"

On page 2, line 13, after "rebuttable" insert "and evidence of exposure to other contaminants or stresses shall be considered sufficient evidence to rebut the presumption"

Debate ensued.

Senator Smitherman demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senators McDonald, Bluechel and Anderson.

#### ROLL CALL

The Secretary called the roll and the motion by Senator McDonald failed and the amendments were not adopted by the following vote: Yeas, 23; nays, 25; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Saling, Sellar, von Reichbauer, West, Zimmerman - 23.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Moore, Peterson, Pullen, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 25.

Excused: Senator Kiskaddon - 1.

#### MOTION

Senator Lee moved that the following amendments be considered simultaneously and adopted:

On page 2, line 1, after "member" insert "after ten years of service and"

On page 2, line 14, after "member" insert "after ten years of service and"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senator Lee.

The motion by Senator Lee failed and the amendments were not adopted.

#### MOTION

Senator Hayner moved that the following amendments be considered simultaneously and adopted:

On page 1, line 28, after "rebuttable" insert "and evidence of smoking tobacco products shall be given special consideration in favor of rebutting the presumption."

On page 2, line 13, after "rebuttable" insert "and evidence of smoking tobacco products shall be given special consideration in favor of rebutting the presumption."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senator Hayner.

The motion by Senator Hayner carried and the amendments were adopted on a rising vote.

#### MOTION

On motion of Senator Smitherman, the rules were suspended, Engrossed Substitute Senate Bill No. 5801 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5801.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5801 and the bill passed the Senate by the following vote: Yeas, 27; nays, 20; absent, 1; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Johnson, Kreidler, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 27.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hansen, Hayner, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Saling, Sellar, Zimmerman - 20.

Absent: Senator McDermott - 1.

Excused: Senator Kiskaddon - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5801, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5948, by Senators Bottiger and Newhouse

Revising permissible interest rates on retail installment contracts for the purchase of motor vehicles.

The bill was read the second time.

#### MOTION

On motion of Senator Moore, the rules were suspended, Senate Bill No. 5948 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5948.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5948 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Kiskaddon - 1.

SENATE BILL NO. 5948, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Bender, Senators Owen and Stratton were excused.

#### SECOND READING

SENATE BILL NO. 5993, by Senator Hansen

Relating to water rights.

## MOTIONS

On motion of Senator Hansen, Second Substitute Senate Bill No. 5993 was substituted for Senate Bill No. 5993 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Hansen, the rules were suspended, Second Substitute Senate Bill No. 5993 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Second Substitute Senate Bill No. 5993.

## ROLL CALL

The Secretary called the roll on final passage of Second Substitute Senate Bill No. 5993 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Kiskaddon, Owen, Stratton - 3.

SECOND SUBSTITUTE SENATE BILL NO. 5993, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6061, by Senator Nelson

Relating to exempting certain community docks from the substantial development requirements of the shoreline management act.

## MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 6061 was substituted for Senate Bill No. 6061 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 6061 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Nelson, I thought we raised that up to \$5,000—Dan Evans wanted to put in a dock up there in the islands. My real question is, if the two people cooperated and put in one dock, are they allowed to spend \$5,000—combine the two?"

Senator Nelson: "Senator Rasmussen, no they would not. In the Act, if you would note on page 5 of the statute, the dock for a single family, or now in this case with the multi-family residence, the cost cannot exceed \$2,500."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 6061.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 6061 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Kiskaddon, Owen, Stratton - 3.

SUBSTITUTE SENATE BILL NO. 6061, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Bender, Senator Peterson was excused.

## SECOND READING

SENATE BILL NO. 5132, by Senators Warnke, Lee, Vognild, Newhouse, Wojahn, McDonald, Stratton, Nelson and Deccio (by request of Joint Select Committee on Unemployment Compensation and Insurance)

Requiring a long-term study of public assistance recipients.

## MOTIONS

On motion of Senator Smitherman, Substitute Senate Bill No. 5132 was substituted for Senate Bill No. 5132 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Smitherman, the rules were suspended, Substitute Senate Bill No. 5132 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5132.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5132 and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; excused, 4.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senator Barr - 1.

Excused: Senators Kiskaddon, Owen, Peterson, Stratton - 4.

SUBSTITUTE SENATE BILL NO. 5132, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5392, by Senators Warnke, Wojahn, Vognild, Smitherman, Williams, Talmadge, Bender, Rasmussen and Conner (by request of Joint Select Committee on Unemployment Insurance and Compensation)

Changing requirements for establishment of benefit years for unemployment compensation.

## MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 5392 was substituted for Senate Bill No. 5392 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Warnke, the rules were suspended, Substitute Senate Bill No. 5392 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5392.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5392 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Excused: Senators Kiskaddon, Owen, Peterson, Stratton - 4.

SUBSTITUTE SENATE BILL NO. 5392, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5408, by Senators Warnke, Cantu, Wojahn and Garrett (by request of Department of Labor and Industries)

Revising provisions relating to asbestos projects.

The bill was read the second time.

#### MOTION

On motion of Senator Warnke, the rules were suspended, Senate Bill No. 5408 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5408.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5408 and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Absent: Senator Hayner - 1.

Excused: Senators Kiskaddon, Owen, Peterson, Stratton - 4.

SENATE BILL NO. 5408, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

#### MOTION

Having served prior notice, Senator Fleming moved that the Senate reconsider the vote by which Senate Joint Resolution No. 8210 failed to pass the Senate earlier today.

The President declared the question before the Senate to be the motion by Senator Fleming to reconsider the vote by which Senate Joint Resolution No. 8210 failed to pass the Senate earlier today.

The motion by Senator Fleming carried and the Senate will reconsider Senate Joint Resolution No. 8210.

#### MOTION

On motion of Senator Fleming, further consideration of Senate Joint Resolution No. 8210, on reconsideration, was deferred.

#### MOTIONS

On motion of Senator Vognild, the Committee on Transportation was relieved of further consideration of Engrossed Second Substitute House Bill No. 196.

On motion of Senator Vognild, Engrossed Second Substitute House Bill No. 196 was referred to the Committee on Judiciary.

There being no objection, the President returned the Senate to the fourth order of business.

## REPORT OF STANDING COMMITTEE

March 17, 1987

SB 5456 Prime Sponsor, Senator Peterson: Adopting the supplemental transportation budget. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5456 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Tanner, Vice Chairman; Bailey, Bender, DeJarnatt, Halsan, Johnson, Nelson, Smitherman, von Reichbauer.

## MOTION

On motion of Senator Vognild, the rules were suspended, Senate Bill No. 5456 was advanced to second reading and placed on the second reading calendar.

## MOTION

At 7:26 p.m., on motion of Senator Vognild, the Senate adjourned until 8:00 a.m., Thursday, March 19, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## SIXTY-SEVENTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Thursday, March 19, 1987

The Senate was called to order at 8:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, Bluechel, Gaspard, McDonald, Peterson, Smitherman and Talmadge. On motion of Senator Bender, Senators Peterson and Talmadge were excused.

The Sergeant at Arms Color Guard, consisting of Pages Lyndsie Rico and Emily Edie, presented the Colors. Reverend Bruce Moore, pastor of the Seventh-Day Adventist Church of Olympia, offered the prayer.

### MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

### MESSAGE FROM THE GOVERNOR

March 18, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:

I have the honor to advise you that on March 18, 1987, Governor Gardner approved the following Senate Bill entitled:

Substitute Senate Bill No. 5022

Relating to appropriations for projects recommended by the public works board.

Sincerely,

TERRY SEBRING, Legal Counsel to the Governor

### MESSAGES FROM THE HOUSE

March 17, 1987

Mr. President:

The House has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 448,

SUBSTITUTE HOUSE BILL NO. 609,

SUBSTITUTE HOUSE BILL NO. 782,

SUBSTITUTE HOUSE BILL NO. 829,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 844,

HOUSE BILL NO. 856,

SUBSTITUTE HOUSE BILL NO. 868,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 877,

SUBSTITUTE HOUSE BILL NO. 970,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 995,

SUBSTITUTE HOUSE BILL NO. 1015,

HOUSE JOINT MEMORIAL NO. 4005, and

the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 18, 1987

Mr. President:

The House has passed:

SENATE JOINT MEMORIAL NO. 8017, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

## SIGNED BY THE PRESIDENT

The President signed:  
SENATE JOINT MEMORIAL NO. 8017.

There being no objection, the President advanced the Senate to the sixth order of business.

## SECOND READING

SENATE BILL NO. 5830, by Senators Deccio, Wojahn, Lee, Stratton, Kiskaddon, Anderson, Kreidler, Johnson, Tanner and Rinehart

Exempting the procurement, processing, storage, and distribution of organs for transplantation from implied warranties under the Uniform Commercial Code.

## MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 5830 was substituted for Senate Bill No. 5830 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 5830 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5830.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5830 and the bill passed the Senate by the following vote: Yeas, 42; absent, 5; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Tanner, Vogt, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 42.

Absent: Senators Bauer, Bluechel, Gaspard, McDonald, Smitherman - 5.

Excused: Senators Peterson, Talmadge - 2.

SUBSTITUTE SENATE BILL NO. 5830, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Bender, Senators Gaspard and Smitherman were excused.

## SECOND READING

SENATE BILL NO. 5788, by Senators Tanner and Warnke (by request of Joint Select Committee on Industrial Insurance)

Revising provisions relating to reimbursement of self-insured employers' funds.

The bill was read the second time.

## MOTION

On motion of Senator Warnke, the rules were suspended, Senate Bill No. 5788 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5788.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5788 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse,

Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Gaspard, Peterson, Smitherman - 3.

SENATE BILL NO. 5788, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5417, by Senators Peterson, Patterson and Hansen (by request of Department of Transportation)

Extending maximum term for ferry system leases.

#### MOTIONS

On motion of Senator Hansen, Substitute Senate Bill No. 5417 was substituted for Senate Bill No. 5417 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hansen, the rules were suspended, Substitute Senate Bill No. 5417 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5417.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5417 and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senator Talmadge - 1.

Excused: Senator Peterson - 1.

SUBSTITUTE SENATE BILL NO. 5417, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5544, by Senators Kreidler, Deccio, Kiskaddon, Wojahn, Johnson, Tanner, Stratton, Bauer, von Reichbauer and Moore (by request of Department of Social and Health Services)

Requiring Department of Social and Health Services to establish minimum wages for compensating nursing home employees.

#### MOTIONS

On motion of Senator Kreidler, Substitute Senate Bill No. 5544 was substituted for Senate Bill No. 5544 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kreidler, the rules were suspended, Substitute Senate Bill No. 5544 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5544.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5544 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Peterson - 1.

SUBSTITUTE SENATE BILL NO. 5544, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President reverted the Senate to the fifth order of business.

#### INTRODUCTION AND FIRST READING

SB 6069 by Senators Kreidler and Kiskaddon

AN ACT Relating to practice rights for chiropractors; amending RCW 18.25.005; and adding new sections to chapter 18.25 RCW.

Referred to Committee on Human Services and Corrections.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

E2SHB 448 by Committee on Ways and Means (originally sponsored by Representatives Brekke, Winsley, Braddock, Dellwo, H. Sommers, P. King, Wang, Holm, B. Williams, Haugen, Fuhrman, Heavey, L. Smith, Miller and Barnes) (by request of Governor Gardner)

Establishing the family independence program.

Referred to Committee on Human Services and Corrections.

SHB 609 by Committee on Environmental Affairs (originally sponsored by Representatives Kremen, Spanel, Braddock, Zellinsky, May, McMullen, Allen, Hine, Schmidt, Basich, Vekich, Hargrove, Beck, Miller, Fisch, S. Wilson, Taylor, Winsley, Walker, Betzoff, J. Williams, B. Williams, Brough, Holm, Haugen, Jesernig and Sanders)

Requiring department of ecology to look at local factors in phased in compliance schedules for secondary water treatment.

Referred to Committee on Parks and Ecology.

SHB 782 by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Fisher, Nelson and Locke)

Changing reporting requirements for lobbyists.

Referred to Committee on Judiciary.

SHB 829 by Committee on Health Care (originally sponsored by Representatives Leonard, Appelwick, Lewis and Rayburn)

Revising provisions on pharmacy.

Referred to Committee on Human Services and Corrections.

ESHB 844 by Committee on State Government (originally sponsored by Representatives Belcher, H. Sommers, Holm, Hankins, Lewis, Unsoeld, Peery, Miller, Sayan, Sprenkle, K. Wilson, Locke, Madsen, Hargrove, Rasmussen, Sutherland, Fisher, R. King, Walk, Nelson, Todd, Ebersole, P. King, Brooks, D. Sommers, Allen, Lux, Heavey, Scott, Cole, Pruitt, Wang, Dellwo, Basich and B. Williams)

Authorizing a dependent care plan for state employees.

Referred to Committee on Governmental Operations.

HB 856 by Representative Valle

Authorizing study of bed and breakfast industry.

Referred to Committee on Commerce and Labor.

SHB 868 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Chandler, Lux, D. Sommers, C. Smith, Nectley, Holland, Zellinsky, Winsley, Betzoff and May)

Increasing financial responsibility requirements.

Referred to Committee on Financial Institutions.

ESHB 877 by Committee on Judiciary (originally sponsored by Representatives Armstrong, Hargrove, Crane, Appelwick, Prince, Brough, Scott, L. Smith, Wang, Heavey, Meyers, Cooper, Wineberry and Jesernig)

Specifying period for which prejudgment interest shall be payable.

Referred to Committee on Judiciary.

SHB 970 by Committee on Ways and Means/Appropriations (originally sponsored by Representatives Sayan, Taylor, Cole, Padden, Baugher, D. Sommers, Rayburn, Rust, Vekich, Schoon, Barnes, Fisch and Jesernig)

Providing a reimbursement formula for institutions for the mentally retarded.

Referred to Committee on Ways and Means.

ESHB 995 by Committee on Housing (originally sponsored by Representatives Todd, Cantwell, Crane, Cooper, Leonard and Nutley)

Establishing a mobile home park purchase fund.

Referred to Committee on Commerce and Labor.

SHB 1015 by Committee on Commerce and Labor (originally sponsored by Representatives Sayan, R. King, McMullen, Jacobsen, Lux, Brekke and Day)

Authorizing industrial insurance benefits for certain asbestos-related disabilities.

Referred to Committee on Commerce and Labor.

HJM 4005 by Representatives Pruitt, Baugher, Winsley, Jacobsen, Fisher, Fisch, Lux, Rasmussen, Day, Leonard, Lewis, B. Williams, D. Sommers, Ballard, Brough, Walker, Betzoff, Doty, Amondson, Ferguson, Bumgarner, L. Smith, Taylor, Todd, Moyer, C. Smith, Hankins and Chandler

Requesting an amendment to authorize campaign expenditure and contribution limits.

Referred to Committee on Judiciary.

#### MOTION

At 8:28 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 10:00 a.m. by President Cherberg.

There being no objection, the President returned the Senate to the sixth order of business.

#### MOTION

On motion of Senator Sellar, Senator McCaslin was excused.

#### SECOND READING

SENATE BILL NO. 5831, by Senators Wojahn, Smitherman, Warnke, Lee, Vognild, Cantu, Anderson, Newhouse, Bailey, McCaslin, Moore, Metcalf and Johnson

Improving regulatory fairness toward small businesses.

The bill was read the second time.

#### MOTION

On motion of Senator Warnke, the rules were suspended, Senate Bill No. 5831 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5831.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5831 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognlild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator McCaslin - 1.

SENATE BILL NO. 5831, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Bill No. 5529 and the pending striking amendment by Senators Talmadge and Fleming, deferred March 18, 1987.

## MOTIONS

On motion of Senator Fleming, the following amendments by Senators Fleming, Talmadge and Lee to the amendment were considered simultaneously and adopted:

On page 6, line 4 of the amendment by Senators Talmadge and Fleming, after "minority," insert "socially and economically"

On page 10, line 30 of the amendment by Senators Talmadge and Fleming, after "enterprises," insert "socially and economically"

Senator Bluechel moved that the following amendment to the amendment be adopted:

On page 22, line 23 of the amendment by Senators Talmadge and Fleming, strike "1996" and insert "1989"

Debate ensued.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Bluechel to the amendment by Senators Talmadge and Fleming.

## ROLL CALL

The Secretary called the roll and the motion by Senator Bluechel carried and the amendment to the amendment was adopted by the following vote: Yeas, 29; nays, 20.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Tanner, von Reichbauer, West, Zimmerman - 29.

Voting nay: Senators Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Moore, Peterson, Rinehart, Smitherman, Talmadge, Vognlild, Warnke, Williams, Wojahn - 20.

The President declared the question before the Senate to be adoption of the amendment by Senators Talmadge and Fleming, as amended.

The motion by Senator Talmadge carried and the amendment, as amended, was adopted.

## MOTIONS

On motion of Senator Fleming, the following title amendment was adopted:

On page 1, beginning on line 2 of the title, after "enterprises," strike the remainder of the title and insert "amending RCW 39.19.010, 39.19.020, 39.19.030, 39.19.070, 39.19.080, and 39.19.090; adding new sections to chapter 39.19 RCW; adding new sections to chapter 43.131 RCW; repealing RCW 39.19.900, 39.19.010, 39.19.020, 39.19.030, 39.19.040, 39.19.050, 39.19.060, 39.19.070, 39.19.080, and 39.19.090; prescribing penalties; and declaring an emergency."

On motion of Senator Fleming, the rules were suspended, Engrossed Senate Bill No. 5529 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5529.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5529 and the bill passed the Senate by the following vote: Yeas, 42; nays, 7.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Owen, Patterson, Peterson, Rinehart, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 42.

Voting nay: Senators Barr, Benitz, Hayner, Newhouse, Pullen, Rasmussen, Saling - 7.

ENGROSSED SENATE BILL NO. 5529, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5658, by Senators Fleming and McDermott

Requiring divestment of public pension funds and assets in banks and other businesses with connections to South Africa or Namibia.

#### MOTIONS

On motion of Senator Fleming, Substitute Senate Bill No. 5658 was substituted for Senate Bill No. 5658 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fleming, the rules were suspended, Substitute Senate Bill No. 5658 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5658.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5658 and the bill failed to pass the Senate by the following vote: Yeas, 23; nays, 26.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Moore, Owen, Peterson, Rinehart, Smitherman, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 23.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, von Reichbauer, West, Zimmerman - 26.

SUBSTITUTE SENATE BILL NO. 5558, having failed to receive the constitutional majority, was declared lost.

#### SECOND READING

SENATE BILL NO. 5886, by Senators Wojahn, Anderson, Vognild, Stratton, Moore, Patterson and Barr

Revising provisions on certificate of need program for hospitals.

#### MOTIONS

On motion of Senator Wojahn, Substitute Senate Bill No. 5886 was substituted for Senate Bill No. 5886 and the substitute bill was placed on second reading and read the second time.

Senator Halsan moved that the following amendments by Senators Halsan and Kreidler be considered simultaneously and adopted:

On page 3, line 13, delete "(hospices;)" and insert "hospices."

On page 3, line 14, delete "and"

On page 3, line 16, delete "and home health agencies;)" and insert ") and home health agencies."

On page 3, line 22, after "Massachusetts," insert "the definition of home health and hospice agencies as health care facilities is limited to access to federal and state reimbursement programs."

On page 7, line 26, after "facility" and before the semicolon, insert "including the establishment of a hospice or home health agency by an existing health care facility"

Debate ensued.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senators Halsan and Kreidler.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Halsan failed and the amendments were not adopted by the following vote: Yeas, 20; nays, 29.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Halsan, Hansen, Kreidler, Moore, Owen, Peterson, Rasmussen, Rinehart, Smitherman, Talmadge, Tanner, Wanke, Wojahn - 20.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Gaspard, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDermott, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Stratton, Vognilid, von Reichbauer, West, Williams, Zimmerman - 29.

#### MOTION

Senator Vognilid moved that the following amendments by Senators Vognilid, Newhouse and Bauer be considered simultaneously and adopted:

On page 8, beginning on line 26, strike all material through "section." on page 9, line 27 and insert the following:

~~"((f) Acquisition of major medical equipment:~~

~~(f) if the equipment will be owned by or located in a health care facility; or~~

~~(f) if, after January 1, 1981, the equipment is not to be owned by or located in a SENATE BILL NO. 5731, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act:~~

~~health care facility, the department finds consistent with federal regulations the equipment will be used to provide services for hospital inpatients, or the person acquiring such equipment did not notify the department of the intent to acquire such equipment at least thirty days before entering into contractual arrangements for such acquisition;~~

~~(g) Any new institutional health services which are offered in or through a health care facility, and which were not offered on a regular basis by, in, or through such health care facility within the twelve-month period prior to the time such services would be offered; and~~

~~(h) Any expenditure by or on behalf of a health care facility in excess of the expenditure minimum made in preparation for any undertaking under subsection (4) of this section and any arrangement or commitment made for financing such undertaking. Expenditures of preparation shall include expenditures for architectural designs, plans, working drawings, and specifications. The department may issue certificates of need permitting predevelopment expenditures, only, without authorizing any subsequent undertaking with respect to which such predevelopment expenditures are made.~~

~~(5) No person may divide a project in order to avoid review requirements under any of the thresholds specified in this section.)) (d) The addition of tertiary service by a health care facility. A tertiary service is a highly specialized service that meets the most complicated medical needs of people and requires sufficient patient volume to maintain provider efficiency, cost-effectiveness, and quality of service.~~

~~Specific tertiary services shall be determined in rule by the department."~~

On page 13, beginning on line 27, after "approved" strike all material through "(c)" on line 29 and insert ":(c))"

On page 13, on line 30, strike "(d)" and insert "(((d))) (c)"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senators Vognilid, Newhouse and Bauer.

The motion by Senator Vognilid carried and the amendments were adopted on a rising vote.

#### MOTION

On motion of Senator Wojahn, the rules were suspended, Engrossed Substitute Senate Bill No. 5886 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5886.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5886 and the bill passed the Senate by the following vote: Yeas, 35; nays, 13; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Deccio, Gaspard, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDermott, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Tanner, Vognild, von Reichbauer, Warnke, West, Zimmerman - 35.

Voting nay: Senators Conner, DeJarnatt, Fleming, Garrett, Halsan, Kreidler, Moore, Peterson, Rinehart, Smitherman, Talmadge, Williams, Wojahn - 13.

Absent: Senator Bottiger - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5886, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 12:03 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 1:00 p.m. by President Cherberg.

## SECOND READING

SENATE BILL NO. 6033, by Senators Newhouse, Hansen, Benitz and Deccio

Exempting from business and occupation tax wholesale sales of hops for shipment out of state.

## MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 6033 was substituted for Senate Bill No. 6033 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Newhouse, the rules were suspended, Substitute Senate Bill No. 6033 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Zimmerman: "Senator Newhouse, has the hop growing and the volume changed appreciably in recent years? Can you tell us, up or down?"

Senator Newhouse: "Yes, it's down about two-thirds of what it was about four years ago because of world market conditions, the strength of the dollar and all that and the competition by foreign producers such as Germany and Yugoslavia who subsidize exports."

Senator Zimmerman: "Are the Washington hop growers still the number one in the nation?"

Senator Newhouse: "In the Yakima Valley, we produce over seventy percent of the hops grown in the country."

## POINT OF INQUIRY

Senator Bottiger: "Senator Newhouse, this appears to be one example where we are collecting taxes for the state of Washington and making people outside of the state of Washington pay those taxes. In effect, we are giving relief to the price of beer that is manufactured in Milwaukee."

Senator Newhouse: "I don't understand the question, Senator Bottiger."

Senator Bottiger: "If we are imposing a tax here and those hops are being shipped out of the state that tax, in effect, is added on to the price, so it would appear that the advantage is going out of state."

Senator Newhouse: "Well, the concern is that if the warehousing and processing involved were to move across state lines, we would lose not only the tax we do collect, but much of the warehousing industry that we do have in the Valley. That is a very real possibility."

## MOTIONS

On motion of Senator Zimmerman, Senators Benitz and Craswell were excused.

On motion of Senator Bender, Senators McDermott and Talmadge were excused.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 6033.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 6033 and the bill passed the Senate by the following vote: Yeas, 41; absent, 4; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 41.

Absent: Senators Kreidler, Moore, Owen, Smitherman - 4.

Excused: Senators Benitz, Craswell, McDermott, Talmadge - 4.

SUBSTITUTE SENATE BILL NO. 6033, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6002, by Senators McDermott, Owen, Craswell, Moore and Pullen

Exempting from excise tax certain recreational services furnished by nonprofit organizations.

#### MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 6002 was substituted for Senate Bill No. 6002 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Substitute Senate Bill No. 6002 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 6002.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 6002 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Excused: Senators Benitz, Craswell, McDermott, Talmadge - 4.

SUBSTITUTE SENATE BILL NO. 6002, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### STATEMENT FOR THE JOURNAL

March 19, 1987

On Substitute Senate Bill No. 5830, Substitute Senate Bill No. 6002 and Substitute Senate Bill No. 6033, I would have voted 'aye.'

SENATOR PHIL TALMADGE, 34th District

#### SECOND READING

SENATE BILL NO. 6062, by Senator Warnke

Relating to gambling.

#### MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 6062 was substituted for Senate Bill No. 6062 and the substitute bill was placed on second reading and read the second time.

Senator Metcalf moved that the following amendment by Senators Metcalf, Craswell, McDonald and Kreidler be adopted:

On page 4, line 29, after "stimulants" insert "PROVIDED, That such rules shall prohibit gambling proceeds from exceeding proceeds from the sale of food."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Metcalf, Craswell, McDonald and Kreidler.

The motion by Senator Metcalf failed and the amendment was not adopted.

#### PARLIAMENTARY INQUIRY

Senator Wojahn: "Mr. President, does this take a sixty percent majority?"

#### REPLY BY THE PRESIDENT

President Cherberg: "Yes, Senator Wojahn."

#### MOTION

On motion of Senator Warnke, the rules were suspended, Substitute Senate Bill No. 6062 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### MOTION

On motion of Senator Vognild, further consideration of Substitute Senate Bill No. 6062 was deferred.

#### SECOND READING

SENATE BILL NO. 5232, by Senators Warnke, Lee, Vognild, Smitherman and Wojahn

Modifying manner in which base years and benefit years are established for purposes of unemployment compensation.

#### MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 5232 was substituted for Senate Bill No. 5232 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Warnke, the rules were suspended, Substitute Senate Bill No. 5232 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Vognild, further consideration of Substitute Senate Bill No. 5232 was deferred.

President Pro Tempore Rasmussen assumed the chair.

#### SECOND READING

SENATE BILL NO. 5251, by Senators Owen, McDonald, DeJarnatt, Conner and West (by request of Department of Game)

Changing the name of the department of game to the department of wildlife.

The bill was read the second time.

#### MOTION

Senator Pullen moved that the following amendment by Senators Pullen, Metcalf, West, Nelson, Rasmussen, McCaslin, Craswell, Vognild, Anderson, Conner, Stratton, Sellar, Saling, Hansen, Patterson, Benitz, McDonald, Garrett, Hayner, Zimmerman, Johnson, Deccio, Barr and Newhouse be adopted:

On page 1, line 16, after "wildlife." insert "This name change shall not in any way be construed as diminishing the commitment of the department to hunting and sports fishing. The prime responsibility of the department shall continue to be to foster, support, enhance and responsibly manage hunting and sports fishing."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senators Pullen, Metcalf, West, Nelson, Rasmussen, McCaslin, Craswell, Vognild, Anderson, Conner, Stratton, Sellar, Saling, Hansen, Patterson, Benitz, McDonald, Garrett, Hayner, Zimmerman, Johnson, Deccio, Barr and Newhouse.

The motion by Senator Pullen carried and the amendment was adopted.

#### MOTION

On motion of Senator DeJarnatt, the rules were suspended, Engrossed Senate Bill No. 5251 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5251.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5251 and the bill passed the Senate by the following vote: Yeas, 32; nays, 15; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Kreidler, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Peterson, Rinehart, Saling, Sellar, Smitherman, Talmadge, Tanner, Vognild, Warnke, West, Williams, Wojahn - 32.

Voting nay: Senators Bailey, Barr, Benitz, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, Patterson, Pullen, Rasmussen, Stratton, von Reichbauer, Zimmerman - 15.

Absent: Senator Owen - 1.

Excused: Senator Craswell - 1.

ENGROSSED SENATE BILL NO. 5251, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5522, by Senators Halsan, McCaslin and Garrett (by request of Department of General Administration)

Revising provisions relating to public works contracts.

The bill was read the second time.

#### MOTION

On motion of Senator Halsan, the rules were suspended, Senate Bill No. 5522 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5522.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5522 and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Bauer, Owen - 2.

Excused: Senator Craswell - 1.

SENATE BILL NO. 5522, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5398, by Senators Halsan, Fleming, Sellar, Warnke, Lee, Cantu, Tanner, Smitherman, Anderson and Wojahn

Changing provisions relating to industrial development corporations.

## MOTIONS

On motion of Senator Warnke, Second Substitute Senate Bill No. 5398 was substituted for Senate Bill No. 5398 and the second substitute bill was placed on second reading and read the second time.

Senator McDermott moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION.** Sec. 1. The legislature finds that the unavailability of capital to viable firms that do not meet current commercial bank or venture capital criteria for loans or equity investments can have a devastating impact on the state's economic development efforts. Without reasonable access to financing, talented and aggressive entrepreneurs are cut out of the economic system and the overall economy of the state suffers.

The process of job creation and economic development requires readily available capital for small and young companies that are the major source of innovations and new jobs. To ensure the availability of capital to entrepreneurs in Washington state, the legislature hereby eliminates unnecessary restrictions which have discouraged the formation of industrial development corporations under current law and adds incentives to encourage the formation of such corporations.

Sec. 2. Section 1, chapter 162, Laws of 1963 and RCW 31.24.010 are each amended to read as follows:

~~((As used in this chapter, the following words and phrases, unless differently defined or described, shall have the meanings and references as follows)) Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:~~

(1) Corporation means a Washington business and industrial development corporation created under this chapter.

(2) Financial institution means any banking corporation or trust company, national banking association, savings and loan association, insurance company or related corporation, partnership, foundation, or other institution engaged primarily in lending or investing funds.

~~(3) ((Member means any financial institution authorized to do business within this state which shall undertake to lend money to a corporation created under this chapter, upon its call, and in accordance with the provisions of this chapter.~~

~~(4))~~ Board of directors means the board of directors of the corporation created under this chapter.

~~((5))~~ (4) Loan limit means for any ~~((member))~~ financial institution, the maximum amount permitted to be outstanding at one time on loans made by such ~~((member))~~ financial institution to the corporation, as determined under the provisions of this chapter.

~~(5) Business means an individual, proprietorship, joint venture, partnership, trust, business trust, syndicate, association, joint stock company, cooperative, corporation, or any other organization operating in this state, and paying more than fifty percent of its contributions or payments for the purposes of unemployment insurance to this state.~~

~~(6) Associate means, if used with respect to a corporation:~~

~~(a) A controlling person, director, officer, agent, or advisor of that corporation.~~

~~(b) A director, officer, or partner of a person referred to in (a) of this subsection.~~

~~(c) A person who controls, is controlled by, or is under common control with a person referred to in (a) of this subsection directly or indirectly through one or more intermediaries.~~

~~(d) Any close relative of any person referred to in (a) of this subsection.~~

~~(e) A person of which a person referred to in (a) through (d) of this subsection is a director or officer.~~

~~(f) A person in which a person referred to in (a) through (d) of this subsection, or any combination of those persons acting in concert, owns or controls, directly or indirectly, a twenty percent or greater equity interest.~~

~~For the purposes of this subsection (6)(f), a person who is in a relationship referred to in this subsection within six months before or after a corporation provides financing assistance shall be considered to be in that relationship as of the date that corporation provides that financing assistance.~~

~~If a corporation, in order to protect its interests, designates a person to serve as a director of, officer of, or in any capacity in the management of a business to which that corporation provides financing assistance, that person shall not, on that account, be considered to have a relationship with that business. This exception does not apply if the person has, directly or indirectly, any other financial interest in the business or if the person, at any time before the corporation provides the financing assistance, served as a director of, officer of, or in any other capacity in the management of the business for a period of thirty days or more.~~

~~(7) Close relative means a parent, child, sibling, spouse, father-in-law, mother-in-law, son-in-law, brother-in-law, daughter-in-law, or sister-in-law.~~

Sec. 3. Section 2, chapter 162, Laws of 1963 as amended by section 1, chapter 16, Laws of 1974 ex. sess. and RCW 31.24.020 are each amended to read as follows:

~~(Fifteen)~~ Seven or more persons, a majority of whom shall be residents of this state, who may desire to create ~~((am))~~ a business and industrial development corporation under the provisions of this chapter, for the purpose of promoting, developing and advancing the prosperity and economic welfare of the state and, to that end, to exercise the powers and privileges hereinafter provided, may be incorporated by filing in the office of the secretary of state, as hereinafter provided, articles of incorporation. The articles of incorporation shall contain:

(1) The name of the corporation, which shall include the words "Development Corporation of Washington."

(2) The location of the principal office of the corporation, but such corporation may have offices in such other places within the state as may be fixed by the board of directors.

(3) ~~The purposes for which the corporation is founded, which shall be to ((promote, stimulate, develop and advance the business prosperity and economic welfare of Washington and its citizens; to encourage and assist through loans, investments or other business transactions in the location of new business and industry in this state and to rehabilitate and assist existing business and industry; to stimulate and assist in the expansion of all kinds of business activity which will tend to promote the business development and maintain the economic stability of this state, provide maximum opportunities for employment, encourage thrift, and improve the standard of living of citizens of this state; similarly, to cooperate and act in conjunction with other organizations, public or private, in the promotion and advancement of industrial, commercial, agricultural and recreational developments in this state; and to provide financing for the promotion, development, and conduct of all kinds of business activity in this state)) provide financing and management assistance to businesses operating primarily in Washington state to increase job opportunities for Washington citizens and the prosperity of the state.~~

(4) The names and post office addresses of the members of the first board of directors, who, unless otherwise provided by the articles of incorporation or the bylaws, shall hold office for the first year of existence of the corporation or until their successors are elected and have qualified.

(5) Any provision which the incorporators may choose to insert for the regulation of the business and for the conduct of the affairs of the corporation and any provision creating, dividing, limiting and regulating the powers of the corporation, the directors, stockholders or any class of the stockholders, including, but not limited to a list of the officers, and provisions governing the issuance of stock certificates to replace lost or destroyed certificates.

(6) The amount of authorized capital stock and the number of shares into which it is divided, the par value of each share and the amount of capital with which it will commence business and, if there is more than one class of stock, a description of the different classes; the names and post office addresses of the subscribers of stock and the number of shares subscribed by each. The aggregate of the subscription shall be the minimum amount of capital with which the corporation shall commence business which shall not be less than ~~((fifty thousand))~~ one million dollars, except as otherwise provided in this chapter. The articles of incorporation may also contain any provision consistent with the laws of this state for the regulation of the affairs of the corporation.

(7) The articles of incorporation shall be in writing, subscribed by not less than five natural persons competent to contract and acknowledged by each of the subscribers before an officer authorized to take acknowledgments and filed in the office of the secretary of state for approval. A duplicate copy so subscribed and acknowledged may also be filed.

(8) The articles of incorporation shall recite that the corporation is organized under the provisions of this chapter.

The secretary of state shall not approve articles of incorporation for a corporation organized under this chapter until ~~((a total of at least ten national banks, state banks, savings banks, industrial savings banks, federal savings and loan associations, domestic building and loan associations, or insurance companies authorized to do business within this state, or any combination thereof, have agreed in writing to become members of said corporation; and said written agreement shall be filed with the secretary of state with the articles of incorporation and the filing of same shall be a condition precedent to the approval of the articles of incorporation by the secretary of state))~~ the state supervisor of banking has certified the corporation as eligible to operate as a business and industrial development corporation under this chapter. A corporation shall be certified by the supervisor of banking as eligible to operate under this chapter upon meeting the following conditions:

(a) The corporation has paid a one thousand dollar certification fee to the state supervisor of banking;

(b) The corporation has submitted a business plan which includes at least three years of detailed financial projections and other relevant information;

(c) The corporation has provided information about the character and competence of each director and officer of the corporation; and

(d) The supervisor finds that the corporation will be run competently, has a net worth and lendable funds sufficient to provide financing assistance, and that the directors and officers of the corporation have agreed to comply with the terms of this chapter. In making the finding under this subsection, the supervisor shall:

(i) Consult with the director of trade and economic development and the director of community development; and

(ii) Require a minimum net worth of one million dollars and an additional one million dollars in lendable funds or an enforceable pledge for one million dollars in lendable funds unless the supervisor finds that special circumstances render lesser amounts adequate for the corporation to meet the intent of this chapter and operate according to its business plan.

Whenever the articles of incorporation shall have been filed in the office of the secretary of state and approved by ~~(him)~~ the secretary and all taxes, fees and charges, have been paid, as required by law, the subscribers, their successors and assigns shall constitute a corporation, and said corporation shall then be authorized to commence business, and stock thereof to the extent herein or hereafter duly authorized may from time to time be issued.

Sec. 4. Section 3, chapter 162, Laws of 1963 as last amended by section 42, chapter 466, Laws of 1985 and RCW 31.24.030 are each amended to read as follows:

The business of a corporation shall be to provide financing and management assistance to businesses operating primarily in Washington state. In furtherance of its ((purposes)) business and in addition to the powers now or hereafter conferred on business corporations by the provisions of Title 23A RCW, ((the)) each corporation shall, subject to the restrictions and limitations herein contained, have the following powers:

(1) To elect, appoint and employ officers, agents and employees; to make contracts and incur liabilities for any of the purposes of the corporation ~~((PROVIDED, That the corporation shall not incur any secondary liability by way of guaranty or endorsement of the obligations of any person, firm, corporation, joint stock company, association or trust, or in any other manner)).~~

(2) To borrow money ~~((from its members and the small business administration and any other similar federal agency.))~~ for any of the purposes of the corporation; to issue therefor its bonds, debentures, notes or other evidence of indebtedness, whether secured or unsecured, and to secure the same by mortgage, pledge, deed of trust or other lien on its property, franchises, rights and privileges of every kind and nature or any part thereof or interest therein, without securing stockholder ~~((or member))~~ approval ~~((PROVIDED, That no loan to the corporation shall be secured in any manner unless all outstanding loans to the corporation shall be secured equally and ratably in proportion to the unpaid balance of such loans and in the same manner)).~~

(3) To make loans to any person, firm, corporation, joint-stock company, association or trust, and to establish and regulate the terms and conditions with respect to any such loans and the charges for interest and service connected therewith ~~((PROVIDED, That the corporation shall not approve any application for a loan unless and until the person applying for said loan shall show that he has applied for the loan through ordinary banking channels and that the loan has been refused by at least one bank or other financial institution)).~~

(4) To purchase, receive, hold, lease, or otherwise acquire, and to sell, convey, transfer, lease or otherwise dispose of real and personal property, together with such rights and privileges as may be incidental and appurtenant thereto and the use thereof, ~~((including, but not restricted to, any))~~ if the real or personal property is for the corporation's use in operating its business, or if the real or personal property is acquired by the corporation from time to time in the satisfaction of debts or enforcement of obligations.

(5) ~~((To acquire the good will, business, rights, real and personal property, and other assets, or any part thereof, or interest therein, of any persons, firms, corporations, joint stock companies, associations or trusts, and to assume, undertake, or pay the obligations, debts and liabilities of any such person, firm, corporation, joint stock company, association or trust to acquire improved or unimproved real estate for the purpose of constructing industrial plants or other business establishments thereon or for the purpose of disposing of such real estate to others for the construction of industrial plants or other business establishments; and to acquire, construct or reconstruct, alter, repair, maintain, operate, sell, convey, transfer, lease, or otherwise dispose of industrial plants or business establishments.))~~ To determine the form and the terms and conditions for financing assistance provided by the corporation to a business including, but not limited to forms such as loans; purchase of debt instruments; straight equity investments, such as purchase of common stock or preferred stock; debt with equity features such as warrants to purchase stock, convertible debentures, or receipt of a percent of net income or sales; royalty based financing; guaranteeing of debt; or leasing of property. A corporation may purchase securities of a business either directly or indirectly through an underwriter. A corporation may participate in the program of the small business administration pursuant to section 7(a) of the small business act, (Public Law 85-536, 15 U.S.C. Sec. 636(a)), or any other government program for which the corporation is eligible and which has as its function the provision or facilitation of financing or management assistance to businesses. If a corporation participates in a program referred to in this section, the corporation shall comply with the requirements of that program. Financing assistance provided by a corporation to a business shall be for the business purposes of that business.

(6) ~~((To acquire, subscribe for, own, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of the stock, shares, bonds, debentures, notes or other securities and evidences of~~

interest in, or indebtedness of, any person, firm, corporation, joint-stock company, association or trust, and while the owner or holder thereof to exercise all the rights, powers and privileges of ownership, including the right to vote thereon;)) To provide management assistance to a business which may encompass both management or technical advice and management or technical services. Management assistance provided by a corporation to a business shall be for the business purposes of that business.

(7) To mortgage, pledge, or otherwise encumber any property, right or things of value, acquired pursuant to the powers contained in subsection((3)) (4)((:)) or (5)((-or (6))) of this section, as security for the payment of any part of the purchase price thereof.

(8) To cooperate with and avail itself of the facilities of the United States department of commerce, the department of trade and economic development, the department of community development, and any other similar state or federal governmental agencies; and to cooperate with and assist, and otherwise encourage organizations in the various communities of the state in the promotion, assistance and development of the business prosperity and economic welfare of such communities or of this state or of any part thereof.

(9) To make donations for charitable educational, research, or similar purposes.

(10) To do all acts and things necessary or convenient to carry out the powers expressly granted in this chapter.

Sec. 5. Section 4, chapter 162, Laws of 1963 and RCW 31.24.040 are each amended to read as follows:

Notwithstanding any rule at common law or any provision of any general or special law or any provision in their respective charters, agreements of association, articles of organization or trust indentures:

((+)) Any person including all domestic corporations organized for the purpose of carrying on business within this state and further including without implied limitation public utility companies and insurance companies, and foreign corporations licensed to do business within this state, and all financial institutions as defined herein, and all trustees, are hereby authorized to acquire, purchase, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of any bonds, securities or other evidences of indebtedness created by, or the shares of the capital stock of, the corporation, and while owners of said stock to exercise all the rights, powers and privileges of ownership, including the right to vote thereon, all without the approval of any regulatory authority of the state except as otherwise provided in this chapter((-PROVIDED, That a financial institution which does not become a member of the corporation shall not be permitted to acquire any shares of the capital stock of the corporation:

(2) All financial institutions are hereby authorized to become members of the corporation and to make loans to the corporation as provided herein; and

(3) Each financial institution which becomes a member of the corporation is hereby authorized to acquire, purchase, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of, any bonds, securities or other evidences of indebtedness created by, or the shares of the capital stock of, the corporation, and while owners of said stock, to exercise all the rights, powers and privileges of ownership, including the right to vote thereon, all without the approval of any regulatory authority of the state: PROVIDED, That the amount of the capital stock of the corporation which may be acquired by any member pursuant to the authority granted herein shall not exceed ten percent of the loan limit of such member)).

The amount of capital stock of the corporation which any ((member)) financial institution is authorized to acquire pursuant to the authority granted herein is in addition to the amount of capital stock in corporations which such ((member)) financial institution may otherwise be authorized to acquire.

Sec. 6. Section 5, chapter 162, Laws of 1963 as last amended by section 2, chapter 16, Laws of 1974 ex. sess. and RCW 31.24.050 are each amended to read as follows:

((Any financial institution may request membership in the corporation by making application to the board of directors on such form and in such manner as said board of directors may require, and membership shall become effective upon acceptance of such application by said board:))

Each ((member of the corporation shall)) financial institution which has agreed to make loans to the corporation as and when called upon by it to do so on such terms and other conditions as shall be approved from time to time by the board of directors, ((subject to the following conditions:

(1) All loan limits shall be established at the thousand dollar amount nearest to the amount computed in accordance with the provisions of this section:

(2) No loan to the corporation shall be made if immediately thereafter the total amount of the obligations of the corporation would exceed fifteen times the amount then paid in on the outstanding capital stock of the corporation:

(3)) shall do so if the total amount outstanding on loans to the corporation made by any ((member)) financial institution at any time, when added to the amount of the investment in the capital stock of the corporation then held by such ((member, shall)) financial institution, does not exceed((:

~~(a) Thirty percent of the total amount then outstanding on loans to the corporation by all members, including in said total amount outstanding, amounts validly called for loan but not yet loaned;~~

~~(b)) the following limit, to be determined ((as of the time such member becomes a member)) on the basis of the audited balance sheet of ((such member)) the financial institution at the close of its fiscal year immediately preceding its ((application for membership)) loan to or purchase of stock in the corporation, or thereafter on the basis of the preceding fiscal year, or in the case of an insurance company, its last annual statement to the state insurance commissioner; or thereafter on the basis of its last annual statement to the insurance commissioner((:)); Two and one-half percent of the capital and surplus of commercial banks and trust companies; one-half of one percent of the total outstanding loans made by savings and loan associations, and building and loan associations; two and one-half percent of the capital and unassigned surplus of stock insurance companies, except fire insurance companies; two and one-half percent of the unassigned surplus of mutual insurance companies, except fire insurance companies; one-tenth of one percent of the assets of fire insurance companies; and such limits as may be approved by the board of directors of the corporation for other financial institutions.~~

~~((4) Subject to subsection (3)(a) of this section, each call made by the corporation shall be prorated among the members of the corporation in substantially the same proportion that the adjusted loan limit of each member bears to the aggregate of the adjusted loan limits of all members. The adjusted loan limit of a member shall be the amount of such member's loan limit, reduced by the balance of outstanding loans made by such member to the corporation and the investment in capital stock of the corporation held by such member at the time of such call.~~

~~(5) All loans to the corporation by members shall be evidenced by bonds, debentures, notes, or other evidences of indebtedness of the corporation, which shall be freely transferable at all times, and which shall bear interest at a rate of not less than one-quarter of one percent in excess of the rate of interest determined by the board of directors to be the prime rate prevailing at the date of issuance thereof on unsecured commercial loans.))~~

Sec. 7. Section 7, chapter 162, Laws of 1963 and RCW 31.24.070 are each amended to read as follows:

The stockholders ~~((and the members))~~ of the corporation shall have the following powers of the corporation:

- (1) To determine the number of and elect directors as provided in RCW 31.24.090;
- (2) To make, amend and repeal bylaws;
- (3) To amend this charter as provided in RCW 31.24.080;
- (4) To dissolve the corporation as provided in RCW 31.24.150;
- (5) To do all things necessary or desirable to secure aid, assistance, loans and other financing from any financial institutions, and from any agency established under the small business investment act of 1958, public law 85-699, 85th congress, or other similar federal laws now or hereafter enacted.
- (6) To exercise such other of the powers of the corporation consistent with this chapter as may be conferred on the stockholders ~~((and the members))~~ by the bylaws.

As to all matters requiring action by the stockholders ~~((and the members))~~ of the corporation, said stockholders ~~((and said members))~~ shall vote separately thereon by classes, and, except as otherwise herein provided, such matters shall require the affirmative vote of a majority of the votes to which the stockholders present or represented at the meeting shall be entitled ~~((and the affirmative vote of a majority of the votes to which the members present or represented at the meeting shall be entitled)).~~

~~((Each))~~ Stockholders shall have one vote, in person or by proxy, for each share of capital stock held ~~((by him, and each member shall have one vote, in person or by proxy, except that any member having a loan limit of more than one thousand dollars shall have one additional vote, in person or by proxy, for each additional one thousand dollars which such member is authorized to have outstanding on loans to the corporation at any one time as determined under subsection (3)(b) of RCW 31.24.050)).~~

Sec. 8. Section 8, chapter 162, Laws of 1963 and RCW 31.24.080 are each amended to read as follows:

The articles of incorporation may be amended by the votes of the stockholders ~~((and the members of the corporation))~~, voting separately by classes, and such amendments shall require approval by the affirmative vote of two-thirds of the votes to which the stockholders ~~((shall be entitled and two-thirds of the votes to which the members))~~ shall be entitled: PROVIDED, That no amendment of the articles of incorporation which is inconsistent with the general purposes expressed herein or which authorizes any additional class of capital stock to be issued, or which eliminates or curtails the right of the state supervisor of banking to examine the corporation or the obligation of the corporation to make reports as provided in RCW 31.24.120, shall be made~~((PROVIDED, FURTHER, That no amendment of the articles of incorporation which increases the obligation of a member to make loans to the corporation, or makes any charge in the principal amount, interest rate, maturity date, or in the security or credit position of an outstanding loan of a member to the corporation, or affects a member's right to withdraw~~

~~from membership as provided herein, or affects a member's voting rights as provided herein, shall be made without the consent of each membership affected by such amendment)).~~

Within thirty days after any meeting at which an amendment of the articles of incorporation has been adopted, articles of amendment signed and sworn to by the president, treasurer, and a majority of the directors, setting forth such amendment and due adoption thereof, shall be submitted to the secretary of state, who shall examine them and if ~~(he)~~ the secretary finds that they conform to the requirements of this chapter, shall so certify and endorse his or her approval thereon. Thereupon, the articles of amendment shall be filed in the office of the secretary of state and no such amendment shall take effect until such articles of amendment shall have been filed as aforesaid.

Sec. 9. Section 9, chapter 162, Laws of 1963 as amended by section 3, chapter 16, Laws of 1974 ex. sess. and RCW 31.24.090 are each amended to read as follows:

The business and affairs of the corporation shall be managed and conducted by a board of directors, a president, a vice president, a secretary, a treasurer, and such other officers and such agents as the corporation by its bylaws shall authorize. The board of directors shall consist of such number, not less than ~~((eleven))~~ seven nor more than twenty-one, as shall be determined in the first instance by the incorporators and thereafter annually by ~~((the members and))~~ the stockholders of the corporation. The board of directors may exercise all the powers of the corporation except such as are conferred by law or by the bylaws of the corporation upon the stockholders ~~((or members))~~ and shall choose and appoint all the agents and officers of the corporation and fill all vacancies except vacancies in the office of director which shall be filled as hereinafter provided. The board of directors shall be elected in the first instance by the incorporators and thereafter at the annual meeting, the day and month of which shall be established by the bylaws of the corporations, or, if no annual meeting shall be held in the year of incorporation, then within ninety days after the approval of the articles of incorporation at a special meeting as hereinafter provided. ~~((At each annual meeting, or at each special meeting held as provided in this section, the members of the corporation shall elect two-thirds of the board of directors and the stockholders shall elect the remaining directors.))~~ The directors shall hold office until the next annual meeting of the corporation or special meeting held in lieu of the annual meeting after the election and until their successors are elected and qualified unless sooner removed in accordance with the provisions of the bylaws. Any vacancy in the office of a director ~~((elected by the members shall be filled by the directors elected by the members; and any vacancy in the office of a director elected by the stockholders))~~ shall be filled by the directors ~~((elected by the stockholders)).~~

Directors and officers shall not be responsible for losses unless the same shall have been occasioned by the willful misconduct of such directors and officers.

Sec. 10. Section 10, chapter 162, Laws of 1963 and RCW 31.24.100 are each amended to read as follows:

Each year the corporation shall set apart as earned surplus not less than ten percent of its net earnings for the preceding fiscal year until such surplus shall be equal in value to ~~((one-half))~~ one-quarter of the amount paid in on the capital stock then outstanding. Whenever the amount of surplus established herein shall become impaired, it shall be built up again to the required amount in the manner provided for its original accumulation. Net earnings and surplus shall be determined by the board of directors, after providing for such reserves as said directors deem desirable, and the determination of the directors made in good faith shall be conclusive on all persons.

Sec. 11. Section 12, chapter 162, Laws of 1963 and RCW 31.24.120 are each amended to read as follows:

The corporation shall be examined ~~((at least once annually))~~ quarterly by the state supervisor of banking and shall make reports of its condition ~~((not less than annually))~~ to said state supervisor of banking and more frequently upon call of the state supervisor of banking, who in turn shall make copies of such reports available to the state insurance commissioner and the governor; and the corporation shall also furnish such other information as may from time to time be required by the state supervisor of banking and secretary of state. The corporation shall pay the actual cost of said examinations. The state supervisor of banking shall exercise the same power and authority over corporations organized under this chapter as is now exercised over banks and trust companies by the provisions of the Title 30 RCW, where the provisions of Title 30 RCW are not in conflict with this chapter. In adopting rules to govern examinations and reports of corporations operating under this chapter, the supervisor of banking shall consult with the director of trade and economic development and the director of community development. In regulating corporations under this chapter, the supervisor of banking shall not consider the risk of a provision of financing assistance to a business unless the supervisor determines that the risk is so great compared with the realistically expected return as to constitute gross mismanagement.

The state supervisor of banking shall publish annually and provide to the senate and house commerce and labor committees and ways and means committees information on the impact of this chapter in promoting economic development in Washington. At the minimum, the information shall include aggregate statistics on each of the following:

- (1) The number and locations of corporations operating under this chapter;  
(2) The number of instances and dollar amount of financing and management assistance given by corporations operating under this chapter to:  
(a) All individual businesses assisted;  
(b) Types of businesses classified using the standard industrial classification manual;  
(c) Minority and women-owned businesses; and  
(d) Businesses located in areas of high unemployment;  
(3) The number of jobs created or retained by:  
(a) All individual businesses assisted;  
(b) Types of businesses classified using the standard industrial classification manual;  
(c) Minority and women-owned businesses; and  
(d) Businesses located in areas of high unemployment;  
(4) The percentage of each business's total contributions or payments for unemployment insurance made to the state of Washington.

Sec. 12. Section 13, chapter 162, Laws of 1963 and RCW 31.24.130 are each amended to read as follows:

The first meeting of the corporation shall be called by a notice signed by three or more of the incorporators, stating the time, place and purpose of the meeting, a copy of which notice shall be mailed, or delivered, to each incorporator at least five days before the day appointed for the meeting. Said first meeting may be held without such notice upon agreement in writing to that effect signed by all the incorporators. There shall be recorded in the minutes of the meeting a copy of said notice or of such unanimous agreement of the incorporators.

At such first meeting, the incorporators shall organize by the choice, by ballot, of a temporary clerk; by the adoption of bylaws, by the election by ballot of directors; and by action upon such other matters within the powers of the corporation as the incorporators may see fit. The temporary clerk shall be sworn and shall make and attest a record of the proceedings. ~~((Ten))~~ Five of the incorporators shall be a quorum for the transaction of business.

NEW SECTION. Sec. 13. (1) The director of trade and economic development is authorized to provide technical assistance and advice to persons forming corporations under this chapter. In addition, the director may contract with corporations organized under this chapter. Each contract shall specify that the money received under the contract shall be used to provide management assistance, which may include management and technical advice and services and other technical support, to businesses receiving financing from the contracting corporation. No more than five corporations may contract with the department under this section at any time. No corporation may receive more than a total of two hundred fifty thousand dollars under this section.

(2) To qualify for a contract under this section, a corporation shall agree that at least one-half of the corporation's loans and investments will be to businesses that have agreed to enter first-source hiring agreements with the employment security department. These agreements shall require the businesses to interview prospective employees from a list supplied by the employment security department and hire any qualified candidates on the list before hiring any candidates not on the department's list.

(3) At least one of the five contracts shall be reserved for a corporation which agrees to make at least one-half of its loans and investments to businesses operating in distressed areas as provided in RCW 82.60.020(3).

(4) The director of trade and economic development shall adopt rules to carry out this section.

NEW SECTION. Sec. 14. (1) The employment security department shall enter into first-source hiring agreements with businesses securing financing assistance from corporations operating under this chapter upon the request of such businesses or corporations. The first-source hiring agreements shall require the business to:

- (a) Provide a job description for each position;
- (b) Provide a description of the skills each position requires;
- (c) Provide a salary range for each position.

(2) The first-source hiring agreements shall require the employment security department to provide a list of candidates who have expressed interest in the available position and who meet the skill requirements of the position.

Sec. 15. Section 14, chapter 162, Laws of 1963 and RCW 31.24.140 are each amended to read as follows:

Unless otherwise provided in the articles of incorporation, the period of duration of the corporation shall be perpetual, subject, however, to the right of the stockholders ~~((and the members))~~ to dissolve the corporation prior to the expiration of said period as provided in RCW 31.24.150.

Sec. 16. Section 15, chapter 162, Laws of 1963 as amended by section 52, chapter 3, Laws of 1983 and RCW 31.24.150 are each amended to read as follows:

The corporation may upon the affirmative vote of two-thirds of the votes to which the stockholders shall be entitled ~~((and two-thirds of the votes to which the member shall be entitled))~~ dissolve said corporation as provided by Title 23A RCW, insofar as Title 23A RCW is not in

conflict with the provisions of this chapter. Upon any dissolution of the corporation, none of the corporation's assets shall be distributed to the stockholders until all sums due the ((members)) creditors of the corporation ((as creditors thereof)) have been paid in full.

**NEW SECTION, Sec. 17.** A new section is added to chapter 82.04 RCW to read as follows:

In computing tax for each of the fiscal years beginning July 1, 1987, and ending June 30, 1992, there may be deducted from the measure of tax in each such year the following percentages of the amount invested in business and industrial development corporations organized under chapter 31.24 RCW:

<u>FISCAL YEAR</u>	<u>AMOUNT INVESTED</u>
1988	25%
1989	20%
1990	15%
1991	10%
1992	5%
1993	0%

**NEW SECTION, Sec. 18.** A new section is added to chapter 82.16 RCW to read as follows:

In computing tax for each of the fiscal years beginning July 1, 1987, and ending June 30, 1992, there may be deducted from gross income in each such year the following percentages of the amount invested in business and industrial development corporations organized under chapter 31.24 RCW:

<u>FISCAL YEAR</u>	<u>AMOUNT INVESTED</u>
1988	25%
1989	20%
1990	15%
1991	10%
1992	5%
1993	0%

**NEW SECTION, Sec. 19.** A new section is added to chapter 48.14 RCW to read as follows:

In computing tax for each of the fiscal years beginning July 1, 1987, and ending June 30, 1992, there may be deducted from the measure of tax in each such year the following percentages of the amount invested in business and industrial development corporations organized under chapter 31.24 RCW:

<u>FISCAL YEAR</u>	<u>AMOUNT INVESTED</u>
1988	25%
1989	20%
1990	15%
1991	10%
1992	5%
1993	0%

**NEW SECTION, Sec. 20.** (1) A corporation shall not provide, directly or indirectly, financing assistance to:

- (a) An associate of the corporation;
- (b) Discharge, or to free other money for use in discharging, in whole or in part, an obligation to an associate of that corporation. This section does not apply to a transaction effected by an associate of a corporation in the normal course of that associate's business involving a line of credit or short-term financing assistance.
- (c) A business to which an associate of that corporation provides financing assistance, either contemporaneously with, or within one year before or after, the providing of financing assistance by the corporation, if the terms on which the corporation provides financing assistance are less favorable to the corporation than the terms on which the associate provides financing assistance to the business. If the financing assistance provided by the associate of the corporation is of a different kind from the financing assistance provided by the corporation, the burden shall be on the corporation to prove that the terms on which the corporation provided financing assistance were at least as favorable to the corporation as the terms on which the associate provided financing assistance to the business.

This subsection (1)(c) does not apply to any of the following:

- (i) If the associate is a controlling person of the corporation and is also the only shareholder of the corporation;
- (ii) If the associate is a subsidiary of the corporation; or
- (iii) A transaction effected by an associate of a corporation in the normal course of that associate's business involving a line of credit or short-term financing assistance.

(2) For the purposes of this section and section 21 of this act:

- (a) "Person" means an individual, proprietorship, joint venture, partnership, trust, business trust, syndicate, association, joint stock company, corporation, cooperative, government, agency of a government, or any other organization. If used with respect to acquiring control of or controlling a specified person, person includes a combination of two or more persons acting in concert;

(b) "Control" means, if used with respect to a specified person, the power to direct or cause the direction of, directly or indirectly through one or more intermediaries, the management and policies of that specified person, whether through the ownership of voting securities; by contract, other than a commercial contract for goods or nonmanagement services; or otherwise. A natural person shall not be considered to control a person solely on account of being a director, officer, or employee of that person. A person who, directly or indirectly, owns or record or beneficially holds with power to vote, or holds proxies with discretionary authority to vote, twenty percent or more of the then outstanding voting securities issued by a corporation shall be rebuttably presumed to control that corporation; and

(c) "Controlling person" means, if used with respect to a specified person, a person who controls that specified person, directly or indirectly through one or more intermediaries.

NEW SECTION, Sec. 21. An associate of a corporation shall not receive, directly or indirectly, from a person to whom that corporation provides financing assistance, compensation in connection with the providing of that financing assistance or anything of value for procuring, influencing, or attempting to procure or influence the corporation's action with respect to the providing of the financing assistance. This section does not apply to the receipt of fees by an associate of a corporation for bona fide closing services performed by that associate if all of the following are true:

(1) The associate, with the consent and knowledge of the person to whom the financing assistance is provided, is designated by the corporation to perform the services;

(2) The services are appropriate and necessary in the circumstances;

(3) The fees for the services are approved as reasonable by the corporation; and

(4) The fees for the services are collected by the corporation on behalf of the associate.

NEW SECTION, Sec. 22. Section 6, chapter 162, Laws of 1963 and RCW 31.24.060 are each repealed.

NEW SECTION, Sec. 23. Sections 13, 14, 20, and 21 of this act are each added to chapter 31.24 RCW."

#### MOTION

Senator Anderson moved that the following amendment to the amendment be adopted:

On page 15, line 21 of the amendment by Senator McDermott, after "examined" strike all material through "annually" on line 23 and insert "at least once annually by the state supervisor of banking and shall make quarterly reports of its condition (~~not less than annually~~)"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senator Anderson to the amendment by Senator McDermott.

The motion by Senator Anderson carried and the amendment to the amendment was adopted.

#### MOTION

On motion of Senator Halsan, the following amendments to the amendment were considered simultaneously and adopted:

On page 17 of the amendment, line 34, after "(3)" insert "The department shall give priority in contracting to business and industrial development corporations which invest in distressed areas as defined in RCW 82.60.020(3) and may make allowances for any increased expenses which may attend providing management assistance in distressed areas."

On page 17 of the amendment, line 34, after "the" strike "five" and insert "first three"

On page 17 of the amendment, beginning on line 36, after "areas" strike "as provided in RCW 82.60.020(3)"

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senator McDermott, as amended.

The motion by Senator McDermott carried and the amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Warnke, the following title amendment was adopted:  
Strike the title and insert the following:

"AN ACT Relating to industrial development corporations; amending RCW 31.24.010, 31.24.020, 31.24.030, 31.24.040, 31.24.050, 31.24.070, 31.24.080, 31.24.090, 31.24.100, 31.24.120, 31.24.130, 31.24.140, and 31.24.150; adding new sections to chapter 31.24 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; adding a new section to chapter 48.14 RCW; creating a new section; repealing RCW 31.24.060; and prescribing penalties."

On motion of Senator Warnke, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5398 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Bender, Senator Peterson was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute Senate Bill No. 5398.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute Senate Bill No. 5398 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vogt, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Owen - 1.

Excused: Senators Craswell, Peterson - 2.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5398, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5665, by Senators Smitherman, Fleming, Warnke and Bender

Authorizing funding for assistance to small business incubator projects.

#### MOTIONS

On motion of Senator Warnke, Second Substitute Senate Bill No. 5665 was substituted for Senate Bill No. 5665 and the second substitute bill was placed on second reading and read the second time.

Senator Smitherman moved that the following amendments be considered simultaneously and adopted:

On page 5, after line 9, insert the following:

"NEW SECTION. Sec. 7. The director may, after consultation with the managing director, enter into contracts with nongovernmental agencies to provide any of the services under section 5 of this act."

Renumber the sections consecutively and correct any internal references accordingly.

On page 5, line 16, strike "6" and insert "7"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendments by Senator Smitherman.

The motion by Senator Smitherman carried and the amendments were adopted.

#### MOTION

Senator Cantu moved that the following amendment by Senators Cantu and Anderson be adopted:

On page 5, after line 22, strike all language through "Title 43 RCW." on page 12, line 24

Renumber the remaining sections consecutively and correct internal references accordingly.

Debate ensued.

#### POINT OF INQUIRY

Senator Talmadge: "Senator Cantu, I believe you were in the House of Representatives when the Legislature enacted the Higher Education Facilities Authority legislation. I've had an opportunity to review Mr. Pharris' memorandum and also that decision of the Supreme Court. Could you tell me how you see any problem

with this particular proposal when, in fact, the Legislature permitted the establishment of a bonding agency which gave money directly to private higher educational entities in the state of Washington under the Higher Education Facilities Authority?"

Senator Cantu: "Thank you, Senator Talmadge. As you have indicated, you had the opportunity to review that before you asked the question and I have not. I cannot answer your question."

Further debate ensued.

#### POINT OF INQUIRY

Senator Barr: "Senator Smitherman, we've been talking mostly about our friends across the hall here and I'd kind of forgotten when we weigh what we were really taking out of the bill and weigh that against the chances as related to the Attorney General's opinion. What are we taking out of the bill?"

Senator Smitherman: "What we are taking out is the small business loan program which provides financial institutions and it says, 'if to make loans that they would not otherwise make.' It's a program--it's a loan-loss reserve fund with premium charges from the borrower and the lender and a match from the state. Both premium charges and the state match are registered in the lender's name and may be used to cover future losses from any loans registered in the program by that bank.

"The amount of the reserve fund for any loan may range from six percent to fourteen percent on the loan amount. The state match can range from three percent to seven percent and the leverage on the state dollar, which I think is phenomenal, is twenty to one. In other words, twenty dollars in new loans will be made to small businesses for each one dollar that is set aside by the state. That is what we are removing from the program."

#### POINT OF INQUIRY

Senator Warnke: "Senator Talmadge, do you see a problem in the lending of the state's credit with the small business loan program in this bill?"

Senator Talmadge: "Senator Warnke, the issue of the lending of the state's credit is often raised in discussions about economic development and it is an issue in the small business loan component of the bill, but the Supreme Court established in 1973 that aid to individuals is only improper where public money is used solely for private purposes. The court said in 1983 that as long as the private benefit is incidental to the public purpose, the legislation is not unconstitutional. In any event, the bill has a severability clause if the small business loan portion of the bill is challenged and if the Supreme Court declares it unconstitutional, that portion could be separated and the other two components of the bill would stand on their own."

Senator Warnke: "But, the Attorney General has issued an informal opinion stating that he thinks it might be unconstitutional. Do you agree?"

Senator Talmadge: "Senator, first, as you noted, it is a preliminary informal opinion, it is not a formal opinion of the Attorney General. Second, the Washington Supreme Court determines whether it is unconstitutional, not the office of the Attorney General. The Attorney General's office was opposed to the establishment of the Housing and Finance Commission, claiming it violated the lending of credit clause, yet the Supreme Court ruled it did not violate lending of credit. You can't entirely rely on an Attorney General's preliminary informal opinion in this kind of situation."

Senator Warnke: "If it is declared unconstitutional, wouldn't we be caught holding the bag?"

Senator Talmadge: "No, we can start a loan program to get an early Supreme Court opinion through the process of a declaratory judgment action before the banks actually make any loans to small businesses under it, Senator Warnke. I would note also, that when we tried to deal with the issue of a bonding bill that had a number of bonds in that very same bill, the Attorney General's office argued initially that, that was unconstitutional. It had more than one subject in it and had an opinion to that effect. Nonetheless, the Supreme Court disagreed and affirmed the Legislature's position on that subject."

Further debate ensued.

Senator Bottiger demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendment by Senators Cantu and Anderson.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; nays, 23; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, West, Zimmerman - 23.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Moore, Owen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 23.

Absent: Senator Deccio - 1.

Excused: Senators Craswell, Peterson - 2.

#### MOTION

On motion of Senator Warnke, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5665 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute Senate Bill No. 5665.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute Senate Bill No. 5665 and the bill passed the Senate by the following vote: Yeas, 42; nays, 6; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McDermott, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 42.

Voting nay: Senators Cantu, Hayner, McCaslin, McDonald, Metcalf, Pullen - 6.

Excused: Senator Craswell - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5665, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Cherberg assumed the chair.

There being no objection, the President advanced the Senate to the eighth order of business.

#### APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chambers of the Seattle Garfield High School girls' and boys' basketball teams and appointed Senators McDermott, McCaslin, Deccio, Fleming, Rinehart and Zimmerman to escort the honored guests to the rostrum.

The President turned the gavel over to Senator Fleming who introduced the Garfield High School students, who were members of the Washington State Class AAA boys' and girls' basketball teams, as well as the coaches of those teams.

#### MOTION

On motion of Senator McDermott, the following resolution was adopted:

#### SENATE RESOLUTION 1987-8632

by Senators McDermott and Fleming

WHEREAS, The Garfield high school boys' basketball team and the Garfield High School girls' basketball team combined recently to accomplish the rare feat of winning both the boys' and girls' Class AAA championships in the same season; and

WHEREAS, Garfield high school is the only high school in the history of Washington State basketball to achieve this distinction; and

WHEREAS, 1987 marks the second time Garfield high school has earned double basketball championships in a single season, the first time having been in 1980; and

WHEREAS, Coach Al Hairston has now won four big-school boys' basketball championships, tying him for the most Class AAA titles earned by a boys' basketball coach; and

WHEREAS, The Garfield high school boys established a AAA record by winning their ninth championship since 1955; and

WHEREAS, The Bulldog boys are the first team to win AAA championships back-to-back since 1967, a distinction they also achieved in the 1961 and 1962 seasons; and

WHEREAS, Ron Davis coached the Bulldog girls to their second championship in his ten years at Garfield high school; and

WHEREAS, Both Garfield high school teams demonstrated exceptional individual skill, team effort, pride and determination by compiling 25-4 records and winning state AAA tournament championships;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, That the members and coaches of the Garfield high school Bulldogs boys' and girls' teams be commended for their outstanding and memorable seasons and for their contribution to their school's unrivaled basketball record; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit copies of this resolution to coaches Ron Davis and Al Hairston, and to all assistant coaches and members of the Garfield high school AAA championship teams.

Senators McDermott and Bender spoke to the resolution.

Senator Fleming returned the gavel to the President and the honored guests were escorted from the Senate Chambers and the committee was discharged.

There being no objection, the President returned the Senate to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 5731, by Senators Bender and Garrett

Creating the transportation benefit board.

The bill was read the second time.

#### MOTION

On motion of Senator Bender, the rules were suspended, Senate Bill No. 5731 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5731.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5731 and the bill passed the Senate by the following vote: Yeas, 37; nays, 11; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kiskaddon, Kreidler, Lee, McDermott, McDonald, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vogtild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 37.

Voting nay: Senators Anderson, Benitz, Cantu, Deccio, Hayner, Johnson, McCaslin, Metcalf, Rasmussen, Rinehart, West - 11.

Excused: Senator Craswell - 1.

SENATE BILL NO. 5731, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5732, by Senators Tanner, Peterson, Smitherman, Bender, Bailey and Garrett

Encouraging right-of-way donations.

The bill was read the second time.

#### MOTION

On motion of Senator Bender, the rules were suspended, Senate Bill No. 5732 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Patterson: "Senator Bender, where is the bill that will authorize the creation of the transportation district which, to me, is substantially more important from the stand point of financing, power of eminent domain, etc.?"

Senator Bender: "Senator Patterson, that bill has passed the House and is presently in the Senate Transportation Committee. As you know, the companion bill which is a Senate bill passed the Transportation Committee, but we decided to go with the House vehicle in this case."

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5732.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5732 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Craswell - 1.

SENATE BILL NO. 5732, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5735, by Senators Peterson, Bender, Tanner, Bailey and Garrett

Establishing revised standards for the issuance of permits for the construction of approach roads on state highway rights of way.

The bill was read the second time.

#### MOTION

On motion of Senator Bender, the rules were suspended, Senate Bill No. 5735 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5735.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5735 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Craswell - 1.

SENATE BILL NO. 5735, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5740, by Senator Vognild

Revising provision relating to ferry employees' compensation.

The bill was read the second time.

## MOTIONS

On motion of Senator Vognild, the following amendment by Senators Vognild and Patterson was adopted:

On page 1, beginning on line 23, after "~~47-64-100~~"))" strike the remainder of the bill and insert:

"To the extent that ferry employees by bargaining unit have absorbed the required offset of wage increases by the amount that the employer's contribution for employees' and dependents' insurance and health care plans exceeds that of other state general government employees in the 1985-87 fiscal biennium, employees shall not be required to absorb a further offset except to the extent the differential between employer contributions for those employees and all other state general government employees increases during any subsequent fiscal biennium. If such differential increases in the 1987-89 fiscal biennium or the 1985-87 offset by bargaining unit is insufficient to meet the required deduction, the amount available for compensation shall be reduced by bargaining unit by the amount of such increase or the 1985-87 shortage in the required offset. Compensation shall include all wages and employee benefits.

NEW SECTION, Sec. 3. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1987."

On motion of Senator Vognild, the following title amendment was adopted:

On page 1, line 3 of the title, after "section;" insert "providing an effective date;"

On motion of Senator Vognild, the rules were suspended, Engrossed Senate Bill No. 5740 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5740.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5740 and the yea passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Craswell - 1.

ENGROSSED SENATE BILL NO. 5740, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5832, by Senator Bender

Establishing the office of capital projects.

The bill was read the second time.

## MOTION

On motion of Senator Bender, the rules were suspended, Senate Bill No. 5832 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5832.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5832 and the bill passed the Senate by the following vote: Yeas, 38; nays, 10; excused, 1.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 38.

Voting nay: Senators Barr, Benitz, Cantu, Deccio, Hayner, Metcalf, Nelson, Newhouse, Stratton, West - 10.

Excused: Senator Craswell - 1.

SENATE BILL NO. 5832, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Zimmerman, Senator McDonald was excused.

#### SECOND READING

SENATE BILL NO. 5191, by Senators Kreidler and Warnke

Redesignating the commission on Mexican-American affairs.

#### MOTIONS

On motion of Senator Halsan, Substitute Senate Bill No. 5191 was substituted for Senate Bill No. 5191 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Halsan, the rules were suspended, Substitute Senate Bill No. 5191 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Pullen: "Senator Kreidler, I notice we are taking the word 'American' out of the name. In the prior name, the Commission was the Mexican-American Commission and now we are changing it to Hispanic, but we are dropping the word 'American.' I also notice that in the second sentence of Section 1, the prior language read, 'The Legislature finds that Mexican-Americans and other Spanish speaking Americans have unique and special problems.' There has been quite a bit of discussion on switching the name from Mexican to Hispanic, but perhaps you can explain why we are dropping the word 'American' out of the name?"

Senator Kreidler: "No particular reason other than the fact that it certainly adds simplicity and is also comparable to what you find in other states. It is also what was from the people who received the services overwhelmingly supporting this particular designation and ceding to their request, that we have a Commission that has a name that represents the title and the responsibility to be carried out. Certainly, no other ulterior reasons for dropping the American aspect of it--no plots or other reasons and so forth."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5191.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5191 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Metcalf - 1.

Excused: Senators Craswell, McDonald - 2.

SUBSTITUTE SENATE BILL NO. 5191, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Zimmerman, Senators Kiskaddon and Sellar were excused.

## SECOND READING

SENATE BILL NO. 5212, by Senators Warnke, Newhouse and Vognild (by request of Liquor Control Board)

Specifying procedures for the issuance of temporary retail liquor licenses.

## MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 5212 was substituted for Senate Bill No. 5212 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Warnke, the rules were suspended, Substitute Senate Bill No. 5212 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5212.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5212 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Excused: Senators Craswell, Kiskaddon, McDonald, Sellar - 4.

SUBSTITUTE SENATE BILL NO. 5212, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5314, by Senators Talmadge and Kiskaddon

Establishing water conservation measures.

## MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 5314 was substituted for Senate Bill No. 5314 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 5314 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, does this relate only to new construction?"

Senator Talmadge: "Yes, or remodeling."

Senator Rasmussen: "Or remodeling?"

Senator Talmadge: "It stands for remodeling, yes."

Senator Rasmussen: "It states here, 'The council shall publish the provision as proposed rules'--and for the rules to become effective by July 1, 1988. It continues 'All cities, towns, and counties shall enforce the revised plumbing standards by July 1, 1988'--and 'The revisions to the state plumbing code shall supersede all local codes.' Then in Section 3, 'The Department of Social and Health Services shall annually prepare and submit to the Legislature a report summarizing the status of the plans adopted pursuant to this chapter--and the projected water needs of the state to meet residential, commercial, industrial and governmental uses--The

requirements of this chapter shall be satisfied by any water conservation plan prepared to meet federal laws or regulations --. We're going to be smothered with paperwork on that and the consultants are going to have a field day. I am not adverse to saving water, but not to saving it all at once as is proposed in this bill. It would seem to me we are moving too far, too fast and I might want to remodel someday."

Senator Talmadge: "Senator, in response to your question. If that were the case, then I would find it highly ironic that the people who build houses--the home builders, the local governments who are affected, and all the rest support the bill. In fact, they enthusiastically support the bill. The people who are concerned about gray water systems, that's purely permissive. There's no mandate that take place. This bill is supported by all the people who would be affected by it because they believe that it will result in some cost savings to those ever-burdened rate payers, that I know Senator Rasmussen, you have expressed so often your concern about. The people who have to pay for water systems, their rates are going up and this is a way of making sure that we try to level out that increase in water rates that people are experiencing across the state. Something that everybody who is affected--the local governments, the utilities, the water districts, the home builders, all of the other people about whom you are referring, support."

Further debate ensued.

#### MOTION

On motion of Senator Bottiger, further consideration of Substitute Senate Bill No. 5314 was deferred.

#### SECOND READING

SENATE BILL NO. 5376, by Senators Rinehart, Bluechel, Kreidler, Hansen, Kiskaddon and Lee (by request of Department of Ecology)

Implementing goals for the increased use of recovered material by state government.

#### MOTIONS

On motion of Senator Rinehart, Substitute Senate Bill No. 5376 was substituted for Senate Bill No. 5376 and the substitute bill was placed on second reading and read the second time.

Senator Rinehart moved that the following amendment by Senators Rinehart and Vognild be adopted:

On page 2, line 25, after "purchasing" insert: "However, if the department determines according to criteria established by rule that bids received for the purchase of paper products do not reflect adequate competition because a wide variation of recovered material content, economics or environmental constraints discourage any change in the percentage, quality, or availability of recovered material, the department shall consider and award bids without regard to the weighting factor otherwise required under this subsection"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Rinehart and Vognild.

The motion by Senator Rinehart carried and the amendment was adopted.

#### MOTION

On motion of Senator Rinehart, the rules were suspended, Engrossed Substitute Senate Bill No. 5376 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5376.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5376 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner,

Johnson, Kreidler, Lee, McCaslin, McDermott, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senator Bottiger - 1.

Excused: Senators Kiskaddon, McDonald, Sellar - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5376, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 4:00 p.m. on motion of Senator Bottiger, the Senate was declared to be at ease.

The Senate was called to order at 4:40 p.m. by President Cherberg.

#### SECOND READING

SENATE BILL NO. 5504, by Senators Vognild, Warnke, Zimmerman, Halsan, Talmadge, Newhouse, Bender and Rasmussen

Licensing private investigators.

#### MOTIONS

On motion of Senator Smitherman, Substitute Senate Bill No. 5504 was substituted for Senate Bill No. 5504 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Smitherman, the rules were suspended, Substitute Senate Bill No. 5504 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5504.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5504 and the bill passed the Senate by the following vote: Yeas, 42; nays, 3; absent, 2; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McDermott, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Wojahn - 42.

Voting nay: Senators Craswell, McCaslin, Williams - 3.

Absent: Senators Metcalf, Zimmerman - 2.

Excused: Senators Kiskaddon, McDonald - 2.

SUBSTITUTE SENATE BILL NO. 5504, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator McCaslin, Senators West and Metcalf were excused.

#### SECOND READING

SENATE BILL NO. 5671, by Senator Halsan

Adding rights and remedies available under consumer protection act to violations of chapter 19.120 RCW.

The bill was read the second time.

#### MOTION

Senator Halsan moved that the following amendments by Senators Halsan and Bottiger be considered simultaneously and adopted:

On page 1, line 17, after "plaintiff" insert "and the court may in its discretion increase the award of damages to an amount not to exceed three times the actual damages sustained or fifty thousand dollars, whichever is less"

On page 1, line 18, after "prevailing" strike "((party)) plaintiff" and insert "party"

On page 2, beginning on line 4, strike all material down to and including line 8

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senators Halsan and Bottiger.

The motion by Senator Halsan carried and the amendments were adopted.

#### MOTIONS

On motion of Senator Halsan, the following amendment by Senators Halsan and Bottiger was adopted:

On page 3, line 12, after "refiner-supplier" insert "and has an operable refinery capacity of three hundred twenty-five thousand barrels a day or more as reported to the federal department of energy"

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 5671 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5671.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5671 and the bill failed to pass the Senate by the following vote: Yeas, 22; nays, 22; absent, 1; excused, 4.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Gaspard, Hansen, Kreidler, Lee, McDermott, Moore, Owen, Peterson, Rasmussen, Rinehart, Stratton, Talmadge, Vognild, Warnke, Williams, Wojahn - 22.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Garrett, Halsan, Hayner, Johnson, McCaslin, Nelson, Patterson, Pullen, Saling, Sellar, Smitherman, Tanner, von Reichbauer, Zimmerman - 22.

Absent: Senator Newhouse - 1.

Excused: Senators Kiskaddon, McDonald, Metcalf, West - 4.

ENGROSSED SENATE BILL NO. 5671, having failed to receive the constitutional majority, was declared lost.

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Halsan moved to reconsider the vote by which Engrossed Senate Bill No. 5671 failed to pass the Senate.

The President declared the question before the Senate to be the motion by Senator Halsan to reconsider the vote by which Engrossed Senate Bill No. 5671 failed to pass the Senate.

The motion by Senator Halsan carried and the Senate will reconsider Engrossed Senate Bill No. 5671.

There being no objection, the President advanced the Senate to seventh order of business.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5232, deferred on third reading and final passage earlier today.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5232.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5232 and the bill passed the Senate by the following vote: Yeas, 25; nays, 22; excused, 2.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Moore, Owen, Peterson, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 25.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Lee, McCaslin, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, von Reichbauer, West, Zimmerman - 22.

Excused: Senators Kiskaddon, McDonald - 2.

SUBSTITUTE SENATE BILL NO. 5232, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President returned the Senate to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 5546, by Senators Talmadge, Newhouse, Brauer, Nelson, Hayner and Moore

Revising provisions relating to assault.

The bill was read the second time.

#### MOTION

Senator Barr moved that the following amendment be adopted:

On page 2, line 3, after "she" strike "knowingly"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Barr.

The motion by Senator Barr failed and the amendment was not adopted.

#### MOTIONS

On motion of Senator Talmadge, the following amendment by Senators Talmadge and Nelson was adopted:

On page 1, beginning on line 16, strike all material down to and including line 5 on page 2 and insert the following:

"Sec. 2. Section 4, chapter 257, Laws of 1986 and RCW 9A.36.011 are each amended to read as follows:

(1) A person is guilty of assault in the first degree if he or she, with intent to inflict great bodily harm:

(a) Assaults another with a firearm or any deadly weapon or by any force or means likely to produce great bodily harm or death; or

(b) Administers to or causes to be taken by another, poison or any other destructive or noxious substance; or

(c) Assaults another and inflicts great bodily harm.

(2) A person is guilty of assault in the first degree if he or she knowingly assaults a child under twelve years of age and inflicts great bodily harm.

(3) Assault in the first degree is a class A felony."

Senator Talmadge moved that the following amendment by Senators Talmadge and Pullen be adopted:

On page 4, line 26, after "(25)" insert "Substantial pain means serious physical pain extending for a significant period of time unless or until relieved by medication;

(26)"

Renumber the remaining subsections consecutively.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Talmadge and Pullen.

The motion by Senator Talmadge carried and the amendment was adopted.

#### MOTIONS

On motion of Senator Talmadge, the following amendment was adopted:

On page 5, after line 23, insert the following:

"NEW SECTION, Sec. 4. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1987."

On motion of Senator Talmadge, the following title amendments were considered simultaneously and adopted:

On page 1, line 1 of the title, strike "9A.36.010" and insert "9A.36.011"

On page 1, line 2 of the title, after "9A.04.110;" strike "and"

On page 1, line 2 of the title, after "RCW" and before the period insert "; providing an effective date; and declaring an emergency"

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 5546 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5546.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5546 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Kiskaddon, McDonald - 2.

ENGROSSED SENATE BILL NO. 5546, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5422, by Senators Owen, Rasmussen and Barr

Prohibiting taking of bottomfish with trawling gear.

The bill was read the second time.

#### MOTIONS

On motion of Senator Owen, the following Committee on Natural Resources amendment was adopted:

On page 1, line 7, after "gear" insert ", by any citizen, Indian or non-Indian."

Senator Owen moved that the following Committee on Natural Resources amendment not be adopted:

On page 1, line 8, after "bridge" strike all material through "Mukilteo" on line 10

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Owen that the Committee on Natural Resources amendment on page 1, line 8, not be adopted.

The motion by Senator Owen carried and the committee amendment on page 1, line 8, was not adopted.

#### MOTION

On motion of Senator Owen, the rules were suspended, Engrossed Senate Bill No. 5422 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5422.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5422 and the bill passed the Senate by the following vote: Yeas, 43; nays, 4; excused, 2.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Talmadge, Tanner, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 43.

Voting nays: Senators Anderson, Metcalf, Stratton, Vognild - 4.

Excused: Senators Kiskaddon, McDonald - 2.

ENGROSSED SENATE BILL NO. 5422, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5459, by Senators Fleming and McDermott

Requiring affirmative action plans for certain state contractors.

## MOTIONS

On motion of Senator Halsan, Substitute Senate Bill No. 5459 was substituted for Senate Bill No. 5459 and the substitute bill was placed on second reading and read the second time.

Senator Fleming moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION.** Sec. 1. By enacting chapter 49.60 RCW, the legislature found that practices of discrimination against any of the state's inhabitants because of race, creed, color, national origin, sex, marital status, age, or the presence of any sensory, mental, or physical handicap are a matter of state concern and that such discrimination threatens not only the rights and proper privileges of its inhabitants, but menaces the institutions and foundation of a free democratic state. As a trustee of public funds, the state has a continuing responsibility to expend those funds only on contractors and suppliers of goods and services that do not discriminate and to deposit state funds in financial institutions that do not practice discrimination.

**NEW SECTION.** Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Affirmative action" means a procedure by employers by which racial minorities, women, persons in the protected age category, persons with disabilities, Vietnam-era veterans, and disabled veterans are provided with increased employment opportunities. It does not mean any sort of quota system.

(2) "Commission" means the Washington state human rights commission.

(3) "Contract" includes any agreement with a state agency for the construction, alteration, or repair of any public building, public highway, or other public work and any agreement with a state agency for the purchase, lease, or furnishing of goods, real or personal property, or services, including utility services, investment services, transportation (including bills of lading), research, insurance, and consultants. "Contract" does not include agreements creating the relationship of employee with the contracting agency.

(4) "Contractor" or "state contractor" means an employer, as defined in RCW 49.60.040, who (a) has contracts totaling one hundred thousand dollars of state public works contracts in any fiscal year or (b) has state contracts for goods and services totaling more than ten thousand dollars, and who employs fifty or more employees. The term includes financial institutions which invest state moneys or serve as a depository for state funds regardless of amount.

(5) "State agency" means any officer or agency of the state of Washington, including educational institutions governed by boards appointed by the governor.

**NEW SECTION.** Sec. 3. Contractors whether in or out of the state of Washington submitting a bid for a state contract shall submit to the requesting agency for review and approval by the commission an affirmative action plan, consistent with the office of federal contract compliance programs' guidelines, designed to increase opportunities in all aspects of employment for racial minorities, women, persons in the protected age category, persons with disabilities, Vietnam-era veterans, and disabled veterans. All affirmative action plans shall affect opportunities for the categories listed above except as otherwise provided in this section. Any contractor who has an affirmative action plan or conciliation agreement approved by the office of federal contract compliance, or analogous agency, within the preceding thirteen months shall be considered by the commission to have an approved plan for state contract purposes.

Implementation of the review and approval processes shall encompass every contractor bidding as of a specific date, or be based on a random selection method adopted by the commission. No contractor may be placed at a disadvantage on a state contract or have awarding of the contract delayed because of a backlog in processing affirmative action plans or because of a complaint which has not been resolved under section 5, 7, or 8 of this act.

When there is participating state and federal funds on a singular contract, compliance with federal guidelines shall prevail. Contractors bidding for the first time shall submit an affirmative action plan with the bid. When a commission approved affirmative action plan is included within the specifications of a construction contract, contractors shall not be required to submit a separate plan.

**NEW SECTION.** Sec. 4. The commission shall have the following powers and duties:

(1) Investigate the employment practices of any state contractor to determine compliance with this chapter.

(2) Review and approve or disapprove affirmative action plans submitted by contractors currently doing business with the state.

(3) Develop, adopt, and implement rules governing the affirmative action plans, including the form and content of the plans, consistent with the guidelines established by the office of federal contract compliance programs, including procedures for developing affirmative action goals, timetables, standard contract clauses, and such other rules as may be necessary to effectuate the purpose of this chapter.

(4) In appropriate cases, notify state agencies, the United States equal employment opportunity commission, office of federal contract compliance programs, or other appropriate federal, state, or local agencies whenever it has reason to believe that any contractor is not in compliance with this chapter.

(5) Develop, adopt, and implement rules governing an optional annual affirmative action employment and supplier plan for goods and services contractors which satisfies both affirmative action and minority and women's business enterprises compliance goals.

(6) Issue declaratory rulings pursuant to RCW 34.04.080 on the application of this chapter and any implementing rules.

(7) Advise state agencies, contractors, and others on the policy of this chapter and practices under it.

**NEW SECTION, Sec. 5.** The commission may not require a contractor to displace members of the contractor's existing work force.

**NEW SECTION, Sec. 6.** Following the procedures in RCW 49.60.230 and 49.60.240 to the extent applicable, the commission shall receive or initiate complaints of discrimination or non-compliance with this chapter, investigate the complaints, make findings as to whether or not there is reasonable cause to believe that a person is not in compliance, and attempt to achieve compliance by conference, conciliation, and persuasion. If an agreement is reached for compliance, it shall be reduced to writing and issued as an order of the commission.

**NEW SECTION, Sec. 7.** If no agreement can be reached for compliance, then the commission may take one or more of the following actions:

(1) Acceptance of a corrective action plan which shall include a contractor's written and signed commitment outlining actions taken or proposed, with time limits and goals, to correct, compensate for, and remedy each violation of equal opportunity requirements as specified in a list of deficiencies;

(2) Recommend that the contracting state agency enforce sanctions clauses of the contract;

or  
(3) File an action in superior court and petition the court to enforce the sanctions clauses of the contract.

**NEW SECTION, Sec. 8.** If a person, firm, corporation, or business does not comply with any provision or provides any fraudulent information concerning compliance with any provision of a contract required under sections 3 through 6 of this act, the state may withhold payment on, debar, suspend, or terminate the contract and subject the contractor to civil penalties of ten percent of the amount of the contract or five thousand dollars, whichever is less. Willful repeated violations, exceeding a single violation, may disqualify the contractor from further participation in state contracts for a period of one year.

After an administrative hearing by the state agency or educational institution pursuant to chapter 34.04 or 28B.16 RCW, as the case may be, and after the exhaustion of administrative remedies, any adverse decision under this section may be appealed to any superior court in any county where the alleged violation occurred. The prevailing party in any hearing or court action is entitled to attorneys' fees and court costs.

**NEW SECTION, Sec. 9.** If necessary to effectuate the purposes of this chapter, contracts shall be awarded to other than the lowest bidder if the lowest bidder fails or refuses to adopt or implement an affirmative action plan approved by the commission. Under no circumstances may the contract be awarded to other than the lowest bidder for the sole reason that the lowest bidder has not achieved a specified numerical or percentage goal or timetable.

**NEW SECTION, Sec. 10.** Enforcement of the provisions of this chapter shall rest solely with the state when contracts involve the expenditure of state funds for public works or goods and services. All complaints arising out of a particular contract must be filed with either the commission or the appropriate municipal corporation as defined in RCW 39.50.010. A person may file a complaint with only one enforcement agency.

**NEW SECTION, Sec. 11.** All local governmental entities having affirmative action review or compliance programs shall honor, or treat as effective, commission approval of any affirmative action plan, except in cases where federal law prevails. As otherwise permitted by law, a local entity may continue to investigate and enforce compliance with an approved plan when public expenditures on a contract are limited to local entity funds.

**NEW SECTION, Sec. 12.** The commission, in consultation with the office of minority and women's business enterprises, shall examine methods to reduce any duplication of functions between the office of minority and women's business enterprises and the commission and shall make a report of its findings to the legislature.

**NEW SECTION, Sec. 13.** A new section is added to chapter 43.131 RCW to read as follows:  
The affirmative action related powers and duties of the state human rights commission authorized under sections 1 through 11 of this act shall be terminated on June 30, 1993, as provided in section 13 of this act.

**NEW SECTION, Sec. 14.** A new section is added to chapter 43.131 RCW to read as follows:  
The following acts or parts of acts, as now or hereafter amended, are each repealed, effective June 30, 1994:

(1) Section 1 of this act and RCW 39.--,---;

- (2) Section 2 of this act and RCW 39.--,---
- (3) Section 3 of this act and RCW 39.--,---
- (4) Section 4 of this act and RCW 39.--,---
- (5) Section 5 of this act and RCW 39.--,---
- (6) Section 6 of this act and RCW 39.--,---
- (7) Section 7 of this act and RCW 39.--,---
- (8) Section 8 of this act and RCW 39.--,---
- (9) Section 9 of this act and RCW 39.--,---
- (10) Section 10 of this act and RCW 39.--,---; and
- (11) Section 11 of this act and RCW 39.--,---

NEW SECTION. Sec. 15. Sections 1 through 11 of this act shall constitute a new chapter in Title 39 RCW.

NEW SECTION. Sec. 16. This act shall take effect December 31, 1987, and shall apply to contracts advertised for bids on or after that date."

Senator Owen moved that the following amendment to the amendment be adopted:

On page 5, after line 33 of the Fleming striking amendment, insert the following:

"NEW SECTION. Sec. 5. The commission may not require a contractor to displace members of the contractor's existing work force."

Renumber the remaining sections consecutively

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Owen to the amendment by Senator Fleming.

The motion by Senator Owen carried and the amendment to the amendment was adopted.

#### MOTIONS

On motion of Senator Fleming the following amendments to the amendment were considered simultaneously and adopted:

On page 9, line 8 of the amendment by Senator Fleming, strike all of NEW SECTION. Sec. 12. and renumber the remaining sections consecutively

On page 11, line 7 of the amendment by Senator Fleming, after "penalties;" strike "making an appropriation."

The President declared the question before the Senate to be adoption of the amendment by Senator Fleming, as amended.

Debate ensued.

#### POINT OF INQUIRY

Senator Saling: "Senator Fleming, I am a little bit confused in regard to your amendment on page 9, line 8. It seems to me that you have taken out New Section 12 and you said you had added Section 12 in your comments just now."

Senator Fleming: "Senator Saling, Section 12 deals with the appropriation. What I was sharing with you, was changes that were made by the Association of General Contractors and AWB that they wanted in there. Those were the things I was explaining to you in Section 12. They added that sunset review."

Senator Saling: "You've taken out Section 12, haven't you?"

Senator Fleming: "No, wait a minute. You've got that right. They did it wrong. We'll have to back that up because that was supposed to be New Section 14."

Senator Saling: "I believe there was a mistake there."

Senator Fleming: "Thank you."

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Fleming moved to reconsider the vote by which the amendment on page 9, line 8, to the striking amendment was adopted.

The President declared the question before the Senate to be the motion by Senator Fleming to reconsider the vote by which the amendment on page 9, line 8, to the striking amendment was adopted.

The motion by Senator Fleming carried and the Senate commenced reconsideration of the amendment on page 9, line 8, to the amendment.

## MOTION

On motion of Senator Fleming, the following amendment, as corrected, to the striking amendment was adopted:

On page 10, line 14 of the amendment by Senator Fleming, strike all of NEW SECTION, Sec. 14. and renumber the remaining sections consecutively

## POINT OF INQUIRY

Senator Rasmussen: "Senator Fleming, you've expanded the categories reflecting racial minorities, woman, persons in the protective age category, persons with disabilities and Vietnam-era veterans. Why did you just exclude all the other veterans?"

Senator Fleming: "Senator Rasmussen, you are looking at Senator Owen's amendment which was not offered."

Senator Rasmussen: "No, no, but it's in the bill. It's your protected group."

Senator Fleming: "The only thing that's in there is the groups that are protected now under law, Senator. I have not expanded anything. That's basically how it is on the federal level."

Senator Rasmussen: "But, it's in the new section."

Senator Fleming: "But, that is taken from the federal contract compliance."

Senator Rasmussen: "Let me ask the question anyway. Why did you exclude all of the other veterans? I might say that I've got a son who was with the Screaming Eagles in Vietnam and I had another son who was over in Korea and they both had bad times, but I don't know why all veterans should not be included."

Senator Fleming: "Senator Rasmussen, I did not make these lists. As you are aware, or you might not be aware, these are protected classes—have been approved in law, both on the federal level and on the state level, as a part of the protected class and because of some of the hardships and other activities surrounding the Vietnam veterans in that era, it was decided, in many instances, that there should be preferences given to that group of veterans, not necessarily excluding anyone, but that was the decision that was made, sir."

Further debate ensued.

## POINT OF ORDER

Senator Pullen: "Mr. President, I would raise the point of order that the amendment expands the scope and objection of the bill. Some of the comments that have been made by Senator Zimmerman and others have indicated the extra subject matter in the bill and I'd also draw the President's attention to several title amendments that are part of the amendment. Some are repealer clauses and some are other title amendments that have to be added which would be prima facie evidence that the title of the bill has been expanded."

## MOTION

On motion of Senator Bottiger, further consideration of Substitute Senate Bill No. 5459 was deferred.

## SECOND READING

SENATE BILL NO. 5597, by Senators Vognild and Moore

Establishing minimum bond for cosmetology schools.

The bill was read the second time.

## MOTION

On motion of Senator Warnke, the rules were suspended, Senate Bill No. 5597 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5597.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5597 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Kiskaddon, McDonald - 2.

SENATE BILL NO. 5597, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5641, by Senators Stratton, McDonald and DeJarnatt (by request of Department of Game)

Extending time limit for game department policy for issuance of specified fishing license.

#### MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 5641 was substituted for Senate Bill No. 5641 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the rules were suspended, Substitute Senate Bill No. 5641 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5641.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5641 and the bill passed the Senate by the following vote: Yeas, 29; nays, 18; excused, 2.

Voting yeas: Senators Anderson, Barr, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Gaspard, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, Metcalf, Nelson, Newhouse, Patterson, Pullen, Rinehart, Saling, Sellar, Smitherman, Stratton, Tanner, Vognlid, West, Wojahn, Zimmerman - 29.

Voting nays: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Fleming, Garrett, Halsan, Hansen, Moore, Owen, Peterson, Rasmussen, Talmadge, von Reichbauer, Warnke, Williams - 18.

Excused: Senators Kiskaddon, McDonald - 2.

SUBSTITUTE SENATE BILL NO. 5641, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5688, by Senators Smitherman, Warnke and Lee

Establishing a review procedure for commercial activities conducted by institutions of higher education.

#### MOTIONS

On motion of Senator Smitherman, Substitute Senate Bill No. 5688 was substituted for Senate Bill No. 5688 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Smitherman, the rules were suspended, Substitute Senate Bill No. 5688 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Patterson: "Senator Smitherman, you made reference to a policy worked out with the University of Washington. Were there any other institutions involved in making the policy?"

Senator Smitherman: "Yes. As a matter of fact, the people from WSU were here as well."

Senator Patterson: "Thank you."

Senator Smitherman: "As a matter of fact, they were one of the universities where they said there was a major problem. In order for them to approve of this, we really did have to do a lot of fancy footwork to come up with a program that would satisfy the needs of business and also not put the universities in a negative role, saying that they were bad guys and coming up with the presumption that they were doing bad things."

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Patterson, how does this affect the sale of Cougar Gold?"

Senator Patterson: "It will have to come under the scrutiny of this new group to determine whether or not that is a legitimate enterprise, I presume. I don't have any concern that they will be reducing the opportunities for the sale of Cougar Gold. I think this deals more with, not so much products like Cougar Gold, but with educational equipment, computers, etc., etc. where there are local services that might provide the service rather than the universities providing it themselves. I don't think it will have any effect on Cougar Gold."

Senator Rasmussen: "I hope you're right."

Senator Patterson: "I hope I am too, because after answering your question and then if it does affect it, then I have a problem."

#### MOTION

On motion of Senator Zimmerman, Senator Metcalf was excused.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5688.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5688 and the bill passed the Senate by the following vote: Yeas, 41; nays, 5; excused, 3.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 41.

Voting nay: Senators Barr, Bluechel, Bottiger, Craswell, Gaspard - 5.

Excused: Senators Kiskaddon, McDonald, Metcalf - 3.

SUBSTITUTE SENATE BILL NO. 5688, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5772, by Senators Warnke, Newhouse, Vognild, Smitherman and West

Regulating fire and life systems.

#### MOTIONS

On motion of Senator Warnke, Second Substitute Senate Bill No. 5772 was substituted for Senate Bill No. 5772 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Warnke, the rules were suspended, Second Substitute Senate Bill No. 5772 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Bottiger: "Senator Warnke, if in doing the work to install these systems, there was a non-related craft that was called in--let's say a window installer--that in order to put the system in we have to put some windows or doors in, would those types of other crafts be required in order to go down and get this license and pay these fees?"

Senator Warnke: "My answer to that would be, no. If they were electrical of any kind--of one of the electrical crafts, yes. If they are a glazier or a carpenter, no."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Second Substitute Senate Bill No. 5772.

#### ROLL CALL

The Secretary called the roll on final passage of Second Substitute Senate Bill No. 5772 and the bill failed to pass the Senate by the following vote: Yeas, 24; nays, 22; excused, 3.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Moore, Peterson, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 24.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Lee, McCaslin, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Sellar, von Reichbauer, West, Zimmerman - 22.

Excused: Senators Kiskaddon, McDonald, Metcalf - 3.

SECOND SUBSTITUTE SENATE BILL NO. 5772, having failed to receive the constitutional majority, was declared lost.

#### SECOND READING

SENATE BILL NO. 5850, by Senator Tanner

Revising certain traffic infractions and administrative penalties.

#### MOTIONS

On motion of Senator Tanner, Substitute Senate Bill No. 5850 was substituted for Senate Bill No. 5850 and the substitute bill was placed on second reading and read the second time.

Senator Tanner moved that the following amendment by Senators Tanner, Benitz, Hansen, Patterson, Rasmussen, McCaslin, Bottiger, West, Halsan and Bauer be adopted:

Strike everything after the enacting clause and insert the following:

**\*NEW SECTION, Sec. 1.** It is the intent of the legislature to increase the speed limit to sixty-five miles per hour on those portions of the rural interstate highway system where the increase would be safe and reasonable and is allowed by federal law. It is also the intent of the legislature that the maximum speed limit be strictly enforced.

**Sec. 2.** Section 27, chapter 21, Laws of 1961 ex. sess. as last amended by section 1, chapter 74, Laws of 1986 and RCW 46.52.130 are each amended to read as follows:

Any request for a certified abstract must specify which part is requested, and only the part requested shall be furnished. The employment driving record part shall be furnished only to the individual named in the abstract, an employer, the insurance carrier that has insurance in effect covering the employer, or a prospective employer. The other part shall be furnished only to the individual named in the abstract, the insurance carrier that has insurance in effect covering the named individual, or the insurance carrier to which the named individual has applied. The director, upon proper request, shall furnish a certified abstract covering the period of not more than the last three years, and the abstract, whenever possible, shall include an enumeration of motor vehicle accidents in which the person was driving; the total number of vehicles involved; whether the vehicles were legally parked or moving; whether the vehicles were occupied at the time of the accident; and any reported convictions, forfeitures of bail, or findings that an infraction was committed based upon a violation of any motor vehicle law. The enumeration shall include any reports of failure to appear in response to a traffic citation or failure to respond to a notice of infraction served upon the named individual by an arresting officer.

The abstract provided to an insurance company shall have excluded from it any information pertaining to any occupational driver's license when the license is issued to any person employed by another or self-employed as a motor vehicle driver who during the five years preceding the request has been issued such a license by reason of a conviction or finding of a traffic infraction involving a motor vehicle offense outside the scope of his principal employment, and who has during that period been principally employed as a motor vehicle driver deriving the major portion of his income therefrom. The abstract provided to the insurance company shall also exclude any information pertaining to law enforcement officers or fire fighters as defined in RCW 41.26.030, or any member of the Washington state patrol, while driving official vehicles in the performance of occupational duty during an emergency situation if the chief of the officer's or fire fighter's department certifies on the accident report that

the actions of the officer or fire fighter were reasonable under the circumstances as they existed at the time of the accident.

The director shall collect for each abstract the sum of three dollars and fifty cents which shall be deposited in the highway safety fund.

Any insurance company or its agent receiving the certified abstract shall use it exclusively for its own underwriting purposes and shall not divulge any of the information contained in it to a third party. No policy of insurance may be canceled, nonrenewed, ~~((or))~~ denied, or have the rate increased on the basis of such information unless the policyholder was determined to be at fault. No insurance company or its agent for underwriting purposes relating to the operation of commercial motor vehicles may use any information contained in the abstract relative to any person's operation of motor vehicles while not engaged in such employment.

Any employer or prospective employer receiving the certified abstract shall use it exclusively for his own purpose to determine whether the licensee should be permitted to operate a commercial vehicle or school bus upon the public highways of this state and shall not divulge any information contained in it to a third party.

Any violation of this section is a gross misdemeanor.

Sec. 3. Section 2, chapter 16, Laws of 1963 as last amended by section 34, chapter 151, Laws of 1977 ex. sess. and RCW 46.61.405 are each amended to read as follows:

Whenever the secretary of transportation shall determine upon the basis of an engineering and traffic investigation that any maximum speed hereinbefore set forth is greater than is reasonable or safe with respect to a state highway under the conditions found to exist at any intersection or upon any other part of the state highway system or at state ferry terminals, or that a general reduction of any maximum speed (~~hereinbefore~~) set forth (~~would aid in the conservation of energy resources~~) in RCW 46.61.400 is necessary in order to comply with a national maximum speed limit, the secretary may determine and declare a reasonable and safe lower maximum limit or a lower maximum limit which will (~~reasonably conserve energy resources~~) comply with a national maximum speed limit, for any state highway, the entire state highway system, or any portion thereof, which shall be effective when appropriate signs giving notice thereof are erected. The secretary may also fix and regulate the speed of vehicles on any state highway within the maximum speed limit allowed by this chapter for special occasions including, but not limited to, local parades and other special events. Any such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon the said signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective (a) when posted upon appropriate fixed or variable signs or (b) if a maximum limit is established for auto stages which is lower than the limit for automobiles, the auto stage speed limit shall become effective thirty days after written notice thereof is mailed in the manner provided in subsection (4) of RCW 46.61.410, as now or hereafter amended.

Sec. 4. Section 3, chapter 16, Laws of 1963 as last amended by section 35, chapter 151, Laws of 1977 ex. sess. and RCW 46.61.410 are each amended to read as follows:

(1) (a) Subject to subsection (2) (~~below~~) of this section the secretary may increase the maximum speed limit on any highway or portion thereof to not more than seventy miles per hour in accordance with the design speed thereof (taking into account all safety elements included therein), or whenever the secretary determines upon the basis of an engineering and traffic investigation that such greater speed is reasonable and safe under the circumstances existing on such part of the highway.

(b) If the federal government increases the national maximum speed limit to at least sixty-five miles per hour on any part of the highway system, the secretary of transportation shall forthwith increase to that same speed the maximum speed limit on any such highway or portion thereof then posted at fifty-five miles per hour to a maximum of sixty-five miles per hour, subject to subsection (2) of this section, if such limit had been established for that highway or portion thereof in order to comply with the former national maximum speed limit. However, if an engineering and traffic investigation conducted by the department clearly indicates that a speed limit above fifty-five miles an hour would be unsafe for that highway or a portion thereof, the secretary of transportation shall not increase the speed limit for that highway or portion thereof above the safe speed indicated by the investigation.

(c) The greater maximum limit (~~so determined~~) established under (a) or (b) of this subsection shall be effective(;) when appropriate signs giving notice thereof are erected, or if a maximum limit is established for auto stages which is lower than the limit for automobiles, the auto stage speed limit shall become effective thirty days after written notice thereof is mailed in the manner provided in subsection (4) of this section.

(d) Such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon said signs or in the case of auto stages, as indicated in said written notice; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs or if a maximum limit is established for auto stages which is lower than the limit for automobiles, the auto stage speed limit

shall become effective thirty days after written notice thereof is mailed in the manner provided in subsection (4) of this section.

(2) The maximum speed limit for vehicles over ten thousand pounds gross weight and vehicles in combination except auto stages shall not exceed sixty miles per hour and may be established at a lower limit by the secretary as provided in RCW 46.61.405(~~as now or hereafter amended~~)).

(3) The word "trucks" used by the department on signs giving notice of maximum speed limits (~~shall~~) means vehicles over ten thousand pounds gross weight and all vehicles in combination except auto stages.

(4) Whenever the secretary (~~shall~~) establishes maximum speed limits for auto stages lower than the maximum limits for automobiles, the secretary shall cause to be mailed notice thereof to each auto transportation company holding a certificate of public convenience and necessity issued by the Washington utilities and transportation commission. The notice shall be mailed to the chief place of business within the state of Washington of each auto transportation company or if none then its chief place of business without the state of Washington.

Sec. 5. Section 9, chapter 136, Laws of 1979 ex. sess. as last amended by section 3, chapter 224, Laws of 1984 and RCW 46.63.070 are each amended to read as follows:

(1) Any person who receives a notice of traffic infraction shall respond to such notice as provided in this section within fifteen days of the date of the notice.

(2) If the person determined to have committed the infraction does not contest the determination the person shall respond by completing the appropriate portion of the notice of infraction and submitting it, either by mail or in person, to the court specified on the notice. A check or money order in the amount of the penalty prescribed for the infraction must be submitted with the response. When a response which does not contest the determination is received, an appropriate order shall be entered in the court's records, and a record of the response and order shall be furnished to the department in accordance with RCW 46.20.270.

(3) If the person determined to have committed the infraction wishes to contest the determination the person shall respond by completing the portion of the notice of infraction requesting a hearing and submitting it, either by mail or in person, to the court specified on the notice. The court shall notify the person in writing of the time, place, and date of the hearing, and that date shall not be sooner than seven days from the date of the notice, except by agreement.

(4) If the person determined to have committed the infraction does not contest the determination but wishes to explain mitigating circumstances surrounding the infraction the person shall respond by completing the portion of the notice of infraction requesting a hearing for that purpose and submitting it, either by mail or in person, to the court specified on the notice. The court shall notify the person in writing of the time, place, and date of the hearing.

(5) (a) If any person issued a notice of traffic infraction:

(i) Fails to respond to the notice of traffic infraction as provided in subsection (2) of this section; or

(ii) Fails to appear at a hearing requested pursuant to subsection (3) or (4) of this section; the court shall enter an appropriate order assessing the monetary penalty prescribed for the traffic infraction and any other penalty authorized by this chapter and shall notify the department in accordance with RCW 46.20.270, of the failure to respond to the notice of infraction or to appear at a requested hearing.

(b) The department may not renew the driver's license, or in the case of a standing, stopping, or parking violation the vehicle license, of any person for whom the court has entered an order pursuant to (a) of this subsection until any penalties imposed pursuant to this chapter have been satisfied. Upon the driver's second outstanding failure to respond to a notice of infraction or to appear at a requested hearing, the department shall suspend the driver's license until any penalties imposed pursuant to this chapter have been satisfied. For purposes of driver's license suspension or nonrenewal only, the lessee of a vehicle shall be considered to be the person to whom a notice of a standing, stopping, or parking violation has been issued for such violations of the vehicle incurred while the vehicle was leased or rented under a bona fide commercial lease or rental agreement between a lessor engaged in the business of leasing vehicles and a lessee who is not the vehicle's registered owner, if the lease agreement contains a provision prohibiting anyone other than the lessee from operating the vehicle. Such a lessor shall, upon the request of the municipality issuing the notice of infraction, supply the municipality with the name and driver's license number of the person leasing the vehicle at the time of the infraction."

Senator Patterson moved that the following amendment to the amendment be adopted:

On page 7, line 11 of the amendment, after "investigation," insert "The speed limit on interstate route number 5 between Everett and Olympia may not be increased above fifty-five miles per hour under this subsection (b)."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Patterson to the amendment by Senators Tanner, Benitz, Hansen, Patterson, Rasmussen, McCaslin, Bottiger, West, Halsan and Bauer.

The motion by Senator Patterson carried and the amendment to the amendment was adopted.

The President declared the question before the Senate to be adoption of the amendment by Senators Tanner, Benitz, Hansen, Patterson, Rasmussen, McCaslin, Bottiger, West, Halsan and Bauer, as amended.

The amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Tanner, the following title amendment was adopted:

In line 1 of the title, after "infractions;" strike the remainder of the title and insert "amending RCW 46.52.130, 46.61.405, 46.61.410, and 46.63.070; creating a new section; and prescribing penalties."

On motion of Senator Tanner, the rules were suspended, Engrossed Substitute Senate Bill No. 5850 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Barr: "Thank you, Mr. President. I am going to ask Senator Tanner to clarify what he said because I heard him say that the DOT or the State Patrol could reduce the speed anyplace that they felt it was needed for safety. Now, that worries me and I believe that those are the exact words you said. That worries me very much. If we are going to authorize it up to sixty-five--they just out of the clear blue sky--they are completely carried away on this safety thing, in my opinion--then run it back down. I thought that's what you said, but it must have been a misstatement or something, hopefully."

Senator Tanner: "Senator Barr, as a matter of fact, the statement made was a restatement of current law and it also included in some new language which I will read, 'The Secretary of Transportation shall not increase the speed limit for that highway or portion thereof above the safe speed indicated by an investigation.' The current law allows the Secretary of Transportation to reduce the speed limit or keep it down when safety dictates and that current law is restated in the way that I read it. We have no indication that the Secretary of Transportation will not raise the speed limit up to sixty-five in those areas where it has been seventy in the past, unless there's some changed circumstance or some engineering or other factor that would dictate that."

Further debate ensued.

#### POINT OF INQUIRY

Senator Deccio: "Senator Tanner, I can understand the reason for this bill, but I have a question. I think Senator Pullen made the point that if the speed limit actually goes down on I-5 and you are going to strictly enforce it all over the state, does that mean the next budget goes entirely to the State Patrol? How are you going to strictly enforce--just because you have it in the language--what good is that going to do? Are we really kidding ourselves that that language is going to mean anything, that it will be strictly enforced?"

Senator Tanner: "Thank you, Senator Deccio, for raising that point. Actually, I think the language means a lot and I'll tell you how. The current law that we have is an open invitation to break the law. In fact, I think it's teaching a whole generation of people out there that it's okay to break the law. Everybody knows that almost all the cars out there on the road, or certainly the majority of them, are breaking that fifty-five mile an hour speed limit, permissively, so the State Patrol is not handing out tickets routinely below about sixty-two or sixty-four or sixty-five, depending on where you are, in my view, and I am not criticizing the State Patrol. I concur with them in that, because they would be stopping almost every car on the road if they were trying to give tickets at fifty-six.

"What this is meant to say, it's a very strong message to the public, whereas it was okay to go sixty-two or sixty-three with a fifty-five mile an hour speed limit, it

is not okay to go seventy-two with a sixty-five mile an hour speed limit. This is meant to be the speed limit in this state and that is sixty-five and it's meant to be strictly enforced and it's meant to be adhered to. There is no way that anyone will convince me that the fifty-five mile an hour speed limit was ever meant to be adhered to or strictly enforced."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5850.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5850 and the bill passed the Senate by the following vote: Yeas, 32; nays, 14; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Gaspard, Halsan, Hansen, Hayner, Johnson, McCaslin, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Saling, Sellar, Smitherman, Stratton, Tanner, Vognild, von Reichbauer, Warnke, West - 32.

Voting nay: Senators Cantu, Craswell, Fleming, Garrett, Kreidler, Lee, McDermott, Moore, Pullen, Rinehart, Talmadge, Williams, Wojahn, Zimmerman - 14.

Excused: Senators Kiskaddon, McDonald, Metcalf - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5850, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5744, by Senators West and Talmadge

Prohibiting teaching, exhibiting or demonstrating the use of firearms in civil disorders.

The bill was read the second time.

#### MOTION

Senator Tanner moved that the following amendments by Senators Tanner, Rasmussen, Pullen, Halsan and Rinehart be considered simultaneously and adopted:

On page 1, line 8, after "device," strike "or" and insert "technique" strike "capable"

On page 1, line 9, after "persons," strike "knowing that the same is intended" and insert "intending them"

On page 1, line 16, after "device," strike "or" and insert "in"

On page 1, beginning on line 17, strike "capable"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senators Tanner, Rasmussen, Pullen, Halsan and Rinehart.

The motion by Senator Tanner carried and the amendments were adopted.

#### MOTION

Senator Nelson moved that the following amendment by Senator Metcalf be adopted:

On page 1, line 26, after "commission," strike "fish commission."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senator Metcalf.

The motion by Senator Nelson carried and the amendment by Senator Metcalf was adopted.

#### MOTION

Senator Pullen moved that the following amendment by Senators Pullen, Rasmussen, Conner, Owen, Patterson, Metcalf, Rinehart, Garrett, Moore, von Reichbauer, Wojahn, Tanner, Halsan, Benitz, Craswell, Barr, Zimmerman, Bauer, Williams, Vognild, Kiskaddon, Deccio, Hansen, Nelson, Sellar, Johnson, Saling, DeJarnatt, McDermott, Anderson, Bender, Fleming, West and McCaslin be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. As we approach 1989, the one hundredth anniversary of Washington becoming a state in the Union, the legislature reaffirms the commitment of the people of this state to upholding the rights guaranteed to every citizen of this state and nation in both the Constitution of the state of Washington and the Constitution of the United States. Freedom of speech, the right of the people to peaceably assemble for the common good, and absolute freedom of conscience in all matters of religious sentiment, belief, and worship are cornerstones of our democracy and actions by private individuals or governmental entities interfering with these precious liberties cannot be condoned. Terrorist actions by persons such as cross burnings or organized paramilitary activities designed to threaten or intimidate are often directed at citizens of this state who are Jewish, Hispanic, Black, Asian, or belong to other minorities. Such actions desecrate the precious constitutional rights of every citizen of this state and threaten our freedom.

The legislature recognizes the dedication of the citizens of this state in preserving the rights of each and every citizen of this state to peacefully coexist and the responsibility of each citizen to uphold the Constitution of the state of Washington and the Constitution of the United States. The legislature finds that actions violating these rights are repugnant to the people of this state.

NEW SECTION. Sec. 2. (1) A select committee is hereby created to study the activities and influence of groups, such as Nazi and neo-Nazi groups, in this state that advocate and teach methods of violence in furtherance of civil disorder.

(2) The committee shall be composed of ten members as follows: Three members shall be selected from the majority caucus of the senate and two members shall be selected from the minority caucus of the senate by the president, three members shall be selected from the majority caucus of the house of representatives and two members shall be selected from the minority caucus of the house of representatives by the speaker.

(3) The select committee shall report its findings to the legislature by January 15, 1988, including any recommended legislation to correct the problem while protecting the constitutional rights of every citizen of this state.

NEW SECTION. Sec. 3. This act shall expire January 15, 1988."

#### MOTION

Senator West moved that the following amendment to the amendment be adopted:

On page 2, line 18, of the amendment, after "groups" strike all material through "groups," on line 19

Debate ensued.

#### POINT OF ORDER

Senator Pullen: "Mr. President, I would raise the point of order that the amendment by Senator West expands the scope and object of the bill."

#### REPLY BY THE PRESIDENT

President Cherberg: "Are you referring to the Senator West's amendment--amendment A?"

Debate ensued.

#### MOTION

On motion of Senator Pullen and there being no objection, the point of order on the amendment was withdrawn.

Further debate ensued on the amendment by Senator West on page 2, line 18, to the amendment.

#### MOTION

On motion of Senator West, and there being no objection, the amendment on page 2, line 18, to the amendment was withdrawn.

#### MOTION

Senator West moved that the following amendments to the amendment be considered simultaneously and adopted:

On page 2, line 23 of the amendment, after "composed of" strike "ten" and insert "eight"

On page 2, beginning on line 24 of the amendment, strike "Three" and insert "Two"

On page 2, line 28 of the amendment, after "president," strike "three" and insert "two"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senator West to the amendment.

The motion by Senator West carried and the amendments to the amendment were adopted.

#### MOTION

Senator West moved that the following amendments by Senators West, Johnson, Bailey, Anderson, Deccio, Bottiger and Moore to the amendment be adopted:

On page 2 of the amendment, beginning on line 15, strike the remainder of the amendment and insert the following:

**\*NEW SECTION, Sec. 2.** A new section is added to chapter 9.41 RCW to read as follows:

(1) A person who teaches, exhibits, or demonstrates to any other person the use, application, or manufacture of any firearm, explosive, or incendiary device, or any technique capable of causing injury or death to persons, knowing that the same is intended to be unlawfully employed for violent use in furtherance of a civil disorder directed against any person, group, institution, or property, shall be guilty of a class C felony under chapter 9A.20 RCW.

(2) A person who assembles with one or more persons for training, practicing, or instruction in the use, application, or manufacture of any firearm, explosive, or incendiary device, or any technique capable of causing injury or death to persons intending that the same will be unlawfully employed for violent use in furtherance of a civil disorder directed against any person, group, institution, or property, shall be guilty of a class C felony under chapter 9A.20 RCW.

(3) Nothing contained in this section makes unlawful any act of any law enforcement officer which is performed in the lawful performance of the law enforcement officer's official duties. Nothing contained in this section makes unlawful any activity of the game department, or any law enforcement agency, or any hunting club, rifle club, rifle range, pistol range, shooting range, or other program or individual instruction intended to teach the safe handling or use of firearms, archery equipment, crossbows, knives, or other weapons or techniques employed in connection with lawful sports, or any activity intended to teach or practice self-defense or self-defense techniques or other lawful activities.

(4) As used in this section the following terms have the meanings indicated unless the context clearly requires otherwise:

(a) "Civil disorder" means any public disturbance involving acts of violence by assemblages of three or more persons, which acts cause an immediate danger of or result in damage or injury to the property or person of any other individual;

(b) "Firearm", in addition to the meaning under RCW 9.41.010, means any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive; or the frame or receiver of any such weapon. "Firearm" does not mean any emergency signaling device such as a flare gun.

(c) "Explosive or incendiary device" means:

(i) Dynamite and all other forms of high explosives;

(ii) Any explosive bomb, grenade, missile, or similar device; and

(iii) Any incendiary bomb or grenade, fire bomb, or similar device, including any device which consists of or includes a breakable container including a flammable liquid or compound, and a wick composed of any material which, when ignited, is capable of igniting such flammable liquid or compound, and can be carried or thrown by one individual acting alone.

**NEW SECTION, Sec. 3.** (1) A select committee is hereby created to study the activities and influence of groups in this state that advocate and teach methods of violence in furtherance of civil disorder.

(2) The committee shall be composed of eight members as follows: Two members shall be selected from the majority caucus of the senate and two members shall be selected from the minority caucus of the senate by the president, two members shall be selected from the majority caucus of the house of representatives and two members shall be selected from the minority caucus of the house of representatives by the speaker.

(3) The select committee shall report its findings to the legislature by January 15, 1988."

Debate ensued.

#### POINT OF ORDER

Senator Pullen: "Mr. President, I would raise the point of order that the amendment by Senators West and others expands the scope and object of the bill. Essentially, what Senator West and others are doing is trying to reinstate the language of the bill. The right parliamentary procedure, if they want to do that, is to defeat the striking amendment. It's not unlike a situation where two people turn in a striking amendment at the same time. Let's call it striking amendment A and striking amendment B. If the proponents of striking amendment B want their amendment to prevail, then what they must do is vote down striking amendment A. Then they can vote on striking amendment B and, hopefully, prevail there.

"What Senator West has done, in effect, is come up with a striking amendment except he has very cleverly tried to couch it in other terms so it doesn't look like a striking amendment, but that, in effect, is what it does. His particular language simply reinstates the language of the original bill and the proper way of getting that language in would be to vote down my amendment.

"I would draw attention to the President that my amendment calls for a study of civil disorder and states certain principles that we believe in. The amendment by Senator West, however, deals with firearms; it deals with assembly, it deals with civil disorder with regard to using that civil disorder directing against property. It provides criminal penalties. There are no criminal penalties in the amendment by Senator Pullen and the other thirty-three co-sponsors of the Senate. His amendment also has extensive definitions concerning what constitutes a civil disorder, what constitutes a firearm, what constitutes an explosive. It's really quite unlike the amendment that I offered as a striking amendment. Therefore, his amendment would be an expansion of the scope and object."

#### REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, Senator Pullen, that is a very interesting argument. The point of order goes to the bill. Senator West did not strike your striking amendment. He simply started on page 2 of your amendment and took the good ideas of your amendment, the good ideas of the bill and combined them into one measure as an amendment to your amendment. In effect, you're winning. You're getting what you asked for in your amendment, but those of us who support the provisions of the bill are, in a sense, winning that part, so it seems like you are coming out winners on both sides and I can't understand your opposition. It's clearly not beyond the scope and object of the bill."

#### MOTION

Senator Rasmussen moved that further consideration of Senate Bill No. 5744 be deferred.

#### PARLIAMENTARY INQUIRY

Senator Vognild: "Thank you, Mr. President. A parliamentary inquiry to the President, if I may. Are in you a position where you could rule on the point of order at this time?"

#### REPLY BY THE PRESIDENT

President Cherberg: "Yes."

Senator Vognild: "Mr. President, with that answer, I would oppose the motion to postpone action and take the President's Ruling and proceed with the bill."

#### MOTION

On motion of Senator Rasmussen, and there being no objection, the motion to defer Senate Bill No. 5744 was withdrawn.

At 7:46 p.m., the President declared the Senate to be at ease.

The Senate was called to order at 7:48 p.m.

#### RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Pullen, the President finds that Senate Bill 5744 is a measure prohibiting teaching, exhibiting or demonstrating the use of firearms in civil disorders.

"The amendment proposed by Senators West, Johnson, Bailey, Anderson, Deccio, Bottiger and Moore prohibits the same things and provides for a study of the activities and influence of groups advocating this type of violence.

"The President, therefore, finds that the proposed amendment does not change the scope and object of the bill and that the point of order is not well taken."

The amendment by Senators West, Johnson, Bailey, Anderson, Deccio, Bottiger and Moore to the amendment was ruled in order.

Debate on the amendment to the amendment ensued.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators West, Johnson, Bailey, Anderson, Deccio, Bottiger and Moore on page 2 to the amendment by Senator Pullen and others.

#### ROLL CALL

The Secretary called the roll and the amendment to the amendment was adopted by the following vote: Yeas, 29; nays, 16; absent, 2; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Bluechel, Bottiger, Cantu, Deccio, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, Moore, Newhouse, Peterson, Saling, Smitherman, Stratton, Talmadge, von Reichbauer, West, Wojahn, Zimmerman - 29.

Voting nay: Senators Bauer, Conner, Craswell, DeJarnatt, Garrett, Halsan, Nelson, Owen, Patterson, Pullen, Rasmussen, Rinehart, Tanner, Vognild, Warnke, Williams - 16.

Absent: Senators Benitz, Sellar - 2.

The President declared the question before the Senate to be adoption of the amendment by Pullen, Rasmussen, Conner, Owen, Patterson, Metcalf, Rinehart, Garrett, Moore, von Reichbauer, Wojahn, Tanner, Halsan, Benitz, Craswell, Barr, Zimmerman, Bauer, Williams, Vognild, Kiskaddon, Deccio, Hansen, Nelson, Sellar, Johnson, Saling, DeJarnatt, McDermott, Anderson, Bender, Fleming, West and McCaslin, as amended.

The amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Talmadge, the following title amendments were considered simultaneously and adopted:

On page 1, line 1 of the title, after "disorders;" strike the remainder of the title and insert "creating new sections; and providing an expiration date."

On page 1, line 1 of the title, after "disorders;" strike the remainder of the title and insert "adding a new section to chapter 9.41 RCW; creating new sections; and prescribing penalties."

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 5744 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5744.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5744 and the bill passed the Senate by the following vote: Yeas, 27; nays, 17; absent, 3; excused, 2.

Voting yea: Senators Anderson, Bailey, Bender, Bluechel, Bottiger, Cantu, Deccio, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, Moore, Newhouse, Patterson, Saling, Smitherman, Stratton, Talmadge, West, Wojahn, Zimmerman - 27.

Voting nay: Senators Barr, Bauer, Conner, Craswell, DeJarnatt, Garrett, Halsan, Nelson, Owen, Pullen, Rasmussen, Rinehart, Sellar, Tanner, Vognild, Warnke, Williams - 17.

Absent: Senators Benitz, Peterson, von Reichbauer - 3.

Excused: Senators Kiskaddon, Metcalf - 2.

ENGROSSED SENATE BILL NO. 5744, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President returned the Senate to the fourth order of business.

#### MESSAGES FROM THE HOUSE

March 18, 1987

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 115,

SUBSTITUTE HOUSE BILL NO. 138,

SECOND SUBSTITUTE HOUSE BILL NO. 163,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 221,

SECOND SUBSTITUTE HOUSE BILL NO. 257,

SUBSTITUTE HOUSE BILL NO. 325,

SECOND SUBSTITUTE HOUSE BILL NO. 339,  
 HOUSE BILL NO. 410,  
 HOUSE BILL NO. 452,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 455,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 456,  
 SECOND SUBSTITUTE HOUSE BILL NO. 480,  
 ENGROSSED HOUSE BILL NO. 485,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 565,  
 ENGROSSED HOUSE BILL NO. 590,  
 HOUSE BILL NO. 628,  
 SUBSTITUTE HOUSE BILL NO. 632,  
 SECOND SUBSTITUTE HOUSE BILL NO. 728,  
 HOUSE BILL NO. 770,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 776,  
 SUBSTITUTE HOUSE BILL NO. 786,  
 ENGROSSED HOUSE BILL NO. 823,  
 SUBSTITUTE HOUSE BILL NO. 857,  
 ENGROSSED HOUSE BILL NO. 878,  
 ENGROSSED HOUSE BILL NO. 959,  
 SUBSTITUTE HOUSE BILL NO. 982,  
 HOUSE BILL NO. 1016,  
 HOUSE BILL NO. 1049,  
 SUBSTITUTE HOUSE BILL NO. 1069,  
 HOUSE BILL NO. 1090,  
 HOUSE BILL NO. 1092,  
 SUBSTITUTE HOUSE BILL NO. 1097,  
 SUBSTITUTE HOUSE BILL NO. 1098,  
 HOUSE BILL NO. 1099,  
 SUBSTITUTE HOUSE BILL NO. 1117,  
 HOUSE BILL NO. 1180, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 19, 1987

Mr. President:

The Speaker has signed:

SENATE JOINT MEMORIAL NO. 8017, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 19, 1987

Mr. President:

The Speaker has signed:

SENATE BILL NO. 5685, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

There being no objection, the President advanced the Senate to the fifth order of business.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 115 by Committee on Environmental Affairs (originally sponsored by Representatives Rust, Allen, Brekke, May, Walker, Nutley and Lux)

Providing for single authority to be responsible for solid waste management and eliminating city comprehensive solid waste management plans.

Referred to Committee on Parks and Ecology.

SHB 138 by Committee on Ways and Means (originally sponsored by Representatives Ebersole, Betrozoff, Grimm, Rasmussen, R. King, P. King, Rayburn, L. Smith, Grant, Wang and Miller) (by request of Commission for Vocational Education)

Permitting a two-year tuition waiver under the Washington award for vocational excellence.

Referred to Committee on Education.

2SHB 163 by Committee on Ways and Means/Appropriations (originally sponsored by Representatives Jacobsen, Ebersole, Appelwick, Brekke, Heavey, Dellwo, Pruitt, Cole, Fisher, Armstrong, O'Brien, H. Sommers, Niemi, Rust, Locke, Nelson, Valle and Winsley)

Compensating school district boards of directors.

Referred to Committee on Education.

E2SHB 221 by Committee on Ways and Means/Appropriations (originally sponsored by Representatives Lux, Barnes, Belcher, Unsoeld, Nealey, Jacobsen, Day, B. Williams, May, Schoon, Pruitt, Ferguson, Fuhrman, Doty, Madsen, Betzoff, Dellwo, Amondson, Moyer, Miller, Chandler, Brough, Todd and Silver)

Providing access for hearing impaired to telecommunications devices.

Referred to Committee on Energy and Utilities.

2SHB 257 by Committee on Ways and Means/Appropriations (originally sponsored by Representatives Jesernig, Jacobsen, Ebersole, Miller, Bristow, Prince, Sprengle, Grant, Heavey, Nelson, Ballard, Hankins, Unsoeld, Allen, Sayan, Rayburn, Appelwick, Betzoff and Wang)

Establishing a trust fund program for graduate students.

Referred to Committee on Education.

SHB 325 by Committee on Education (originally sponsored by Representatives Ebersole, Betzoff and Walk)

Providing for curriculum based assessment for bilingual education programs and programs for those with learning disabilities.

Referred to Committee on Education.

2SHB 339 by Committee on Ways and Means/Appropriations (originally sponsored by Representatives Jacobsen, Heavey, H. Sommers, Niemi, Pruitt, Dellwo, Wang, P. King, Hine, K. Wilson, Unsoeld, Miller and Wineberry) (by request of Governor Gardner)

Establishing the Washington distinguished professorship trust fund program.

Referred to Committee on Education.

HB 410 by Representatives Rasmussen, Rayburn, Walker, Spanel, Pruitt, Todd, P. King and Winsley (by request of Superintendent of Public Instruction)

Creating the state clearinghouse for educational information revolving fund.

Referred to Committee on Education.

HB 452 by Representatives Locke, Cole, Wang, Belcher, O'Brien, Pruitt, Leonard, Unsoeld, McMullen and Miller (by request of Governor Gardner and Superintendent of Public Instruction)

Changing provisions relating to school-based day care.

Referred to Committee on Education.

E2SHB 455 by Committee on Ways and Means (originally sponsored by Representatives Ebersole, Holm, Peery, Cole, Appelwick, Pruitt, Hine, Locke and Unsoeld) (by request of Governor Gardner)

Enhancing the financing and management of the states' schools.

Referred to Committee on Education.

E2SHB 456 by Committee on Ways and Means (originally sponsored by Representatives Spanel, Ebersole, Dellwo, Zellinsky, P. King, Wang, Holm, Valle, Haugen, Cole, Appelwick, O'Brien, Pruitt, Hine, Locke, Winsley, Rayburn, Unsoeld, Rasmussen, K. Wilson,

Sprenkle, R. King, McMullen and Miller) (by request of Governor Gardner)

Establishing programs to enhance students' ability to learn.

Referred to Committee on Education.

2SHB 480 by Committee on Ways and Means/Appropriations (originally sponsored by Representatives Brekke, Winsley, Moyer, Scott, Wang, Leonard and Brough) (by request of Department of Social and Health Services)

Providing protection for Indian children.

Referred to Committee on Human Services and Corrections.

EHB 485 by Representatives Valle, Holland, Ebersole, Wang, Peery, Unsoeld, P. King, Spanel, Pruitt, Winsley and Todd (by request of Superintendent of Public Instruction and State Board of Education)

Continuing the beginning teachers assistance program.

Referred to Committee on Education.

E2SHB 565 by Committee on Ways and Means/Appropriations (originally sponsored by Representatives Wang, Cole, Allen, R. King, Brough, Vekich, Miller, Jacobsen, Hankins, Lux, Leonard, Dellwo, Fisch, Niemi, Brekke, Appelwick, Locke, Crane, Unsoeld, H. Sommers, K. Wilson, Nutley, Nelson, Fisher, Valle, Grimm, Wineberry, Jesernig and Belcher)

Providing for family and medical leave.

Referred to Committee on Ways and Means.

EHB 590 by Representatives Doty, Haugen, McLean, Cooper, Nealey, Brough, Rayburn, Kremen, Brooks, Betzoff, Lewis, C. Smith, Winsley and May

Establishing immunity from civil liability for elected and appointed local government officials.

Referred to Committee on Judiciary.

HB 628 by Representatives Basich, Haugen, Hargrove, Kremen, Fisch, Vekich, Zellinsky, P. King and Holm

Exempting sales of diesel fuel used in commercial fishing vessels from sales and use tax.

Referred to Committee on Ways and Means.

SHB 632 by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Fisch, Winsley, Day, R. King, Fisher, Baugher, Lux and Crane)

Authorizing retirement allowance deductions for political committee dues.

Referred to Committee on Governmental Operations.

2SHB 728 by Committee on Ways and Means (originally sponsored by Representatives Ebersole, Pruitt, Holland, Cole, Peery, Sanders, P. King, Unsoeld, Spanel and Todd) (by request of Superintendent of Public Instruction)

Establishing the learning assistance program.

Referred to Committee on Education.

HB 770 by Representatives Ebersole, Betzoff, Pruitt, Walker, Valle, Rasmussen, Belcher, Schmidt, Rust, Unsoeld, Holland, Patrick, P. King, Winsley, Schoon, Holm, Todd and Spanel

Changing common school curriculum requirements to include science with an emphasis on the environment.

Referred to Committee on Education.

ESHB 776 by Committee on Education (originally sponsored by Representatives Cole, Holm, Taylor, Betzoff, Ebersole, Brough, May, Amondson, Schoon, Silver and L. Smith)

Removing the requirement that hearing officers for school employee cases be attorneys.

Referred to Committee on Education.

SHB 786 by Committee on Education (originally sponsored by Representatives Pruitt, L. Smith, Ebersole, Walker, Spanel, Rasmussen, Sprengle, Holm, Peery, Todd, Holland, Winsley, Ferguson, May, Unsoeld and Silver)

Providing for the encouragement and measurement of innovative programs by school districts.

Referred to Committee on Education.

EHB 823 by Representatives Wineberry, Grimm, Nelson, Allen, Locke, Hargrove, Heavey, Jacobsen, Niemi, Bristow, Appelwick, Walker, O'Brien, Holland, Belcher, Brekke, Crane, Dellwo and Todd

Requiring divestiture of investments in firms doing business with countries with apartheid policies.

Referred to Committee on Ways and Means.

SHB 857 by Committee on Ways and Means/Appropriations (originally sponsored by Representatives Hine, Jacobsen, Ebersole, Allen, Prince, Unsoeld, Miller, Basich and Todd)

Creating a future teachers conditional scholarship program.

Referred to Committee on Education.

EHB 878 by Representatives Crane, Miller, Armstrong, Heavey, Scott, Appelwick, Wang, Wineberry, P. King and Niemi

Revising provisions relating to the physician-patient privilege.

Referred to Committee on Judiciary.

EHB 959 by Representatives L. Smith, Haugen, Ferguson, Bumgarner and Brough

Specifying powers of initiative and referendum for cities and towns.

Referred to Committee on Governmental Operations.

SHB 982 by Committee on Education (originally sponsored by Representatives Fuhrman, Valle, Betzoff, Pruitt, Holland, Ebersole, Walker, L. Smith, Nealey, Doty, Patrick, May, Brough, Ballard, Lewis, B. Williams, Padden, Allen, Cole, Rasmussen, P. King, Belcher, K. Wilson, Sprengle, Baugher, Beck, Hargrove, C. Smith, Peery, Cooper, Taylor, Chandler, Bumgarner, Sutherland, Day, Kremen, Silver, Ferguson, Todd, Jesernig, Basich, Moyer and Winsley)

Permitting the substitution of instructional assistance as a teacher's aide for up to fifteen units of methods and teacher training requirements.

Referred to Committee on Education.

HB 1016 by Representatives Dellwo and Haugen

Authorizing lien and low-income fee reduction for county fees for water withdrawal and sewage disposal.

Referred to Committee on Governmental Operations.

HB 1049 by Representatives Heavey, Patrick, P. King, Padden, Schoon, Todd and May

Authorizing either breath or blood tests for alcoholic content.

Referred to Committee on Judiciary.

SHB 1069 by Committee on Commerce and Labor (originally sponsored by Representatives Unsoeld, Hankins, Allen, Miller, Silver, K. Wilson, Belcher, Hine, Winsley, Fisher, Haugen, Nutley, Leonard, Cantwell, Spanel, Rust, Valle, Rayburn, Holm, Niemi, Brekke, Scott, H. Sommers, L. Smith, Walker, Doty, Rasmussen, Cole, Patrick, P. King and Jesernig)

Eliminating obsolete references to workmen's compensation.

Referred to Committee on Commerce and Labor.

HB 1090 by Representatives Jacobsen, Miller, Hine and P. King

Exempting from taxation certain nonprofit organizations involved with student loans.

Referred to Committee on Ways and Means.

HB 1092 by Representatives Ebersole, May, Wang, Barnes, Pruitt, Walker and Winsley

Revising definition of condominiums to include parking stalls.

Referred to Committee on Judiciary.

SHB 1097 by Committee on Ways and Means/Appropriations (originally sponsored by Representatives Ballard, Jacobsen, D. Sommers, Schoon, Winsley and P. King)

Continuing reciprocal tuition and fee programs.

Referred to Committee on Education.

SHB 1098 by Committee on Natural Resources (originally sponsored by Representatives Haugen, S. Wilson, Jacobsen and Beck)

Requiring an agreement with the federal government for the exchange of certain tidelands on the Olympic peninsula.

Referred to Committee on Natural Resources.

HB 1099 by Representative Locke

Prohibiting unfair insurance discrimination.

Referred to Committee on Financial Institutions.

SHB 1117 by Committee on Commerce and Labor (originally sponsored by Representatives Sayan, Patrick, Wang, Winsley, Baugher, Todd, Allen, R. King, Fisch, Fisher, Cole and Basich)

Requiring state certification of sheet metal workers.

Referred to Committee on Commerce and Labor.

HB 1180 by Representatives Brough and Winsley

Providing residency for certain students who attended Washington high schools and enroll in a public institution of higher education within six months.

Referred to Committee on Education.

There being no objection, the President advanced the Senate to the ninth order of business.

## MOTIONS

On motion of Senator Vognild, the Committee on Commerce and Labor was relieved of further consideration of Substitute House Bill No. 706.

On motion of Senator Vognild, Substitute House Bill No. 706 was referred to the Committee on Parks and Ecology.

On motion of Senator Vognild, the Committee on Ways and Means was relieved of further consideration of House Bill No. 744.

On motion of Senator Vognild, House Bill No. 744 was referred to the Committee on Commerce and Labor.

## MOTION

At 8:17 p.m., on motion of Senator Vognild, the Senate adjourned until 9:00 a.m., Friday, March 20, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## SIXTY-EIGHTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Friday, March 20, 1987

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Craswell and Lee.

The Sergeant at Arms Color Guard, consisting of Pages Jennifer Meyer and Devra Sigle, presented the Colors. Reverend Daniel A. Nuxoll, S. J., from Seattle University, and a guest of Senator Albert Bauer, offered the prayer.

#### MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

#### REPORTS OF STANDING COMMITTEES

##### GUBERNATORIAL APPOINTMENTS

March 18, 1987

GA 9003     PATRICK J. GRAHAM, appointed April 10, 1985, for a term ending June 30, 1989, as a member of the Gambling Commission, succeeding Pat Williams.  
Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Sellar, Tanner, Vognild, West, Williams, Wojahn

Hold.

March 18, 1987

GA 9010     ROBERT TULL, appointed July 5, 1985, for a term ending June 30, 1990, as a member of the Gambling Commission.  
Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Sellar, Vognild, West, Wojahn

Hold.

March 18, 1987

GA 9012     ANN H. NOEL, appointed August 14, 1985, for a term ending June 30, 1991, as a member of the Gambling Commission, succeeding Ronald S. Jones.  
Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Sellar, West, Wojahn

Hold.

March 18, 1987

GA 9020     RUTHANN KUROSE, appointed December 13, 1985, for a term ending October 25, 1991, as a member of the Small Business Export Financial Assistance Center Board of Directors.  
Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Sellar, Vognild, West, Wojahn

Hold.

March 18, 1987

GA 9024 RICHARD E. BANGERT, appointed March 3, 1986, for a term ending October 25, 1989, as a member of the Small Business Export Financial Assistance Center Board of Directors.  
Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Sellar, Vognild, West, Wojahn

Hold.

March 18, 1987

GA 9026 JOSEPH F. QUINN, appointed March 14, 1986, for a term ending September 8, 1989, as a member of the Public Employment Relations Commission.  
Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Sellar, Tanner, Vognild, West, Wojahn

Hold.

March 18, 1987

GA 9048 EVELYN Y. SUN, appointed January 2, 1987, for a term ending at the Governor's pleasure as Director of the Washington State Lottery.  
Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Sellar, Tanner, Vognild, West, Williams, Wojahn

Hold.

March 18, 1987

GA 9082 BRUCE F. BRENNAN, appointed April 16, 1986, for a term ending February 21, 1989, as a member of the Apprenticeship Council.  
Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Sellar, Vognild, West, Wojahn

Hold.

March 18, 1987

GA 9095 ROY M. KALICH, appointed January 13, 1987, for a term ending August 2, 1988, as a member of the State Lottery Commission.  
Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Sellar, Tanner, Vognild, West, Williams, Wojahn

Hold.

#### MOTION

On motion of Senator Vognild, the rules were suspended. Gubernatorial Appointments No. 9003, 9010, 9012, 9020, 9024, 9026, 9048, 9082 and 9095 were advanced to second reading and placed on the second reading calendar.

#### MESSAGE FROM THE HOUSE

March 19, 1987

Mr. President:  
The House has passed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 46.  
SUBSTITUTE HOUSE BILL NO. 97.

SUBSTITUTE HOUSE BILL NO. 143,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 168,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 186,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 243,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 249,  
 SUBSTITUTE HOUSE BILL NO. 274,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 298,  
 ENGROSSED HOUSE BILL NO. 308,  
 HOUSE BILL NO. 314,  
 ENGROSSED HOUSE BILL NO. 338,  
 SUBSTITUTE HOUSE BILL NO. 418,  
 SUBSTITUTE HOUSE BILL NO. 419,  
 SUBSTITUTE HOUSE BILL NO. 420,  
 ENGROSSED HOUSE BILL NO. 421,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 434,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 586,  
 SUBSTITUTE HOUSE BILL NO. 608,  
 SUBSTITUTE HOUSE BILL NO. 634,  
 SUBSTITUTE HOUSE BILL NO. 646,  
 SUBSTITUTE HOUSE BILL NO. 746,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 758,  
 SUBSTITUTE HOUSE BILL NO. 763,  
 SECOND SUBSTITUTE HOUSE BILL NO. 813,  
 SUBSTITUTE HOUSE BILL NO. 859,  
 SUBSTITUTE HOUSE BILL NO. 873,  
 ENGROSSED HOUSE BILL NO. 1034,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1035,  
 SUBSTITUTE HOUSE BILL NO. 1065,  
 HOUSE BILL NO. 1087,  
 ENGROSSED HOUSE BILL NO. 1093,  
 ENGROSSED HOUSE BILL NO. 1123,  
 HOUSE BILL NO. 1126,  
 HOUSE BILL NO. 1185, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

There being no objection, the President advanced the Senate to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 5892, by Senators Smitherman, Johnson and Bottiger

Modifying the binding site plan exemption to land subdivision requirements.

#### MOTIONS

On motion of Senator Halsan, Substitute Senate Bill No. 5892 was substituted for Senate Bill No. 5892 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Halsan, the rules were suspended, Substitute Senate Bill No. 5892 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5892.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5892 and the bill passed the Senate by the following vote: Yeas, 47; absent, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Absent: Senators Craswell, Lee - 2.

SUBSTITUTE SENATE BILL NO. 5892, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Zimmerman, Senator Lee was excused.

#### SECOND READING

SENATE BILL NO. 5944, by Senators Warnke, Sellar and Newhouse

Revising provisions on continuing education for certified public accountants.

#### MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 5944 was substituted for Senate Bill No. 5944 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Warnke, the rules were suspended, Substitute Senate Bill No. 5944 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5944.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5944 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Lee - 1.

SUBSTITUTE SENATE BILL NO. 5944, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5955, by Senators McDermott, Talmadge, Fleming, Warnke, Rinehart, Moore, Bender and Garrett

Authorizing city, county, and state ownership of professional sports franchises.

The bill was read the second time.

#### MOTION

On motion of Senator McDermott, the following Committee on Commerce and Labor amendments were considered simultaneously and adopted:

On page 1, line 18, after "city," insert "code city."

On page 1, line 22, after "city," insert "code city."

#### MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed Senate Bill No. 5955 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### MOTION

On motion of Senator McDermott, further consideration of Engrossed Senate Bill No. 5955 was deferred.

## SECOND READING

SENATE BILL NO. 5984, by Senator Kreidler

Revising provisions relating to wetlands protection.

## MOTIONS

On motion of Senator Kreidler, Substitute Senate Bill No. 5984 was substituted for Senate Bill No. 5984 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kreidler, the rules were suspended, Substitute Senate Bill No. 5984 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Bottiger: "Senator Kreidler, does this bill do anything more than call for a study of that subject?"

Senator Kreidler: "No, Senator. I have a copy of it here. I'd be glad to supply you with a copy of it."

Senator Bottiger: "Does it expand for two hundred feet from any swamp or bog?"

Senator Kreidler: "Absolutely not, Senator."

## POINT OF INQUIRY

Senator Rasmussen: "Senator Kreidler, I am vastly concerned and terribly depressed. You're telling me that seventy-five percent of the wet lands have been destroyed. Can you identify those wet lands? We get these statements all the time about this has been identified and that has been identified, but you are personally acquainted with it. Could you tell me where that seventy-five percent is?"

Senator Kreidler: "Senator, I am pleased to know you are as interested as you are in the wet lands, both fresh and salt, and I would be very glad to supply you with some very comprehensive studies that have been done on this particular issue."

Further debate ensued.

## POINT OF INQUIRY

Senator Barr: "Senator Kreidler, a few years ago, I think a year or so ago, there was quite an issue in the Grays Harbor area on the wet lands versus the industry. Now, that was very controversial and what impact would this sort of thing maybe lead to as a major industry concern versus wet lands?"

Senator Kreidler: "Senator Barr, this would have absolutely no impact whatsoever in any possible way that you can construe it on wet lands in the state of Washington. It would require action of this legislative body before anything could ever be undertaken, so there is absolutely, categorically, no impact."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5984.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5984 and the bill failed to pass the Senate by the following vote: Yeas, 21; nays, 28.

Voting yea: Senators Bender, Bluechel, DeJarnatt, Fleming, Gaspard, Halsan, Kiskaddon, Kreidler, McDermott, Moore, Nelson, Owen, Rinehart, Smitherman, Talmadge, Vognild, Wanke, West, Williams, Wojahn, Zimmerman - 21.

Voting nay: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, Garrett, Hansen, Hayner, Johnson, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Tanner, von Reichbauer - 28.

SUBSTITUTE SENATE BILL NO. 5984, having failed to receive the constitutional majority, was declared lost.

## CALL OF THE SENATE

Senators Bottiger, Vognild and Fleming demanded a Call of the Senate.  
A Call of the Senate was ordered.

The Sergeant at Arms locked the doors of the Senate Chambers. The Secretary called the roll on the Call of the Senate, all members being present.

## MOTION

On motion of Senator Bottiger, the Senate proceeded under the Call of the Senate.

## MOTION

On motion of Senator Vognild, the Senate commenced consideration of Senate Bill No. 5882.

## SECOND READING

SENATE BILL NO. 5882, by Senators Moore and Patterson

Authorizing contractors to deposit cash or securities to meet insurance requirements.

The bill was read the second time.

## MOTION

Senator Bottiger moved that the following amendment by Senators Bottiger and Moore be adopted:

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 5, chapter 77, Laws of 1963 and RCW 18.27.050 are each amended to read as follows:

~~((At the time of registration the applicant shall furnish to the director satisfactory evidence that the applicant has procured and has in effect public liability and property damage insurance covering the applicant's contracting operations in the sum of not less than twenty thousand dollars for injury or damage to property and fifty thousand dollars for injury or damage including death to any one person and one hundred thousand dollars for injury or damage including death to more than one person.~~

~~in the event that such insurance shall cease to be effective the registration of the contractor shall be suspended until such insurance shall be reinstated.))~~

(1) At the time of registration and subsequent re-registration, the applicant shall furnish insurance or financial responsibility in the form of an assigned account in the amount of twenty thousand dollars for injury or damages to property, and fifty thousand dollars for injury or damage including death to any one person, and one hundred thousand dollars for injury or damage including death to more than one person or financial responsibility to satisfy these amounts.

(2) Failure to maintain insurance or financial responsibility relative to the contractor's activities shall be cause to suspend or deny the contractor his or her or their registration."

Debate ensued.

## POINT OF INQUIRY

Senator Deccio: "Senator Moore, on the beginning of line 17, you have the alternatives to insurance; there is no mention of a letter of credit from the bank. Would that be included in your cash and securities meaning?"

Senator Moore: "Where is this?"

Senator Deccio: "Well, I am not looking at the amendment, I guess. I'll ask the same question. Is there any consideration given to a letter of credit from the bank in order to meet the requirements of the Department?"

Senator Moore: "Senator Bottiger, would you care to respond?"

## REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, it was our intent in drafting this to allow the full range of assignments of accounts which I think would include a letter of credit. It was my intent that it would include a letter."

Senator Deccio: "Could we move to include that or maybe by colloquy or a floor amendment, because in many cases that is the alternative that they have to accept—is a letter of credit from the bank if they can get it?"

Senator Bottiger: "Senator, I'll send a note over to the House to make sure they have a similar colloquy or if not, an amendment in the bill."

## POINT OF INQUIRY

Senator Rasmussen: "Senator Bottiger, on this, I quite agree, but I think it also should be spelled out clearly that they could accept property bonds. It kind of indicates cash."

Senator Bottiger: "Senator, in the Contractor Registration Act which is similar to this, we looked at other kinds of bonds and concluded that the cost of getting title insurance and all the other things really out-weighed the amount, and did not use that. If you want to set the bill down to offer an amendment to add that—I personally think it is too cumbersome—and if you get a judgment against somebody on a property bond, then you have to go through the foreclosure and execution on the property."

Senator Rasmussen: "Thank you. I am thinking more of the person who may have property and it's something that he could pledge and doesn't have cash and I think that would be--"

Senator Bottiger: "But, he could then usually get a letter of credit from the bank."

Senator Rasmussen: "Well, maybe, maybe not."

The President declared the question before the Senate to be adoption of the amendment by Senators Bottiger and Moore.

The motion by Senator Bottiger carried and the amendment was adopted.

## MOTIONS

On motion of Senator Warnke, the following title amendment was adopted:

On page 1, line 1 of the title, after "insurance," strike the remainder of the title and insert "and amending RCW 18.27.050."

On motion of Senator Warnke, the rules were suspended, Engrossed Senate Bill No. 5882 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5882.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5882 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitheman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

ENGROSSED SENATE BILL NO. 5882, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Vognild, the Senate advanced to the seventh order of business.

There being no objection, the Senate resumed consideration of Engrossed Senate Bill No. 5671, on reconsideration, deferred March 19, 1987.

Debate ensued on Engrossed Senate Bill No. 5671, on reconsideration.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5671, on reconsideration.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5671, on reconsideration, and the bill failed to pass the Senate by the following vote: Yeas, 23; nays, 26.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Kreidler, Lee, McDermott, Moore, Owen, Peterson, Rasmussen, Rinehart, Stratton, Talmadge, Vognild, Warnke, Williams, Wojahn - 23.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Garrett, Hayner, Johnson, Kiskaddon, McCaslin, McDonald, Metcalfe, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smitherman, Tanner, von Reichbauer, West, Zimmerman - 26.

ENGROSSED SENATE BILL NO. 5671, on reconsideration, having failed to receive the constitutional majority, was declared lost.

There being no objection, the President returned the Senate to the sixth order of business.

#### MOTION

On motion of Senator Vognil, the Senate commenced consideration of Senate Bill No. 5848.

#### SECOND READING

SENATE BILL NO. 5848, by Senators Tanner, Deccio, Moore, Newhouse, McDonald, Smitherman and Warnke

Establishing procedures for administration of real estate transaction trust funds.

#### MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 5848 was substituted for Senate Bill No. 5848 and the substitute bill was placed on second reading and read the second time.

Senator Tanner moved that the following amendment by Senators Tanner, Lee, Sellar and Smitherman be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 18.85 RCW to read as follows:

Any real estate broker who receives funds or money from any principal or any party to a real estate transaction shall hold the funds or moneys in trust for the purposes of the transaction or agreement, and shall not utilize such funds or moneys for the benefit of the broker or any person not entitled to such benefit. Funds or moneys received in trust by a broker shall be deposited in an interest-bearing trust account in any bank, credit union, or savings and loan association, selected by a broker in the exercise of ordinary prudence, authorized by federal or state law to do business in Washington and insured by the federal deposit insurance corporation, the national credit union share insurance funds, the Washington credit union share guaranty association, or the federal savings and loan insurance corporation, or which is a "qualified public depository" as defined in RCW 39.58.010(1). Interest-bearing trust funds shall be placed in accounts in which withdrawals or transfer can be made without delay when such funds are required, subject only to any notice period which the depository institution is required to reserve by law or regulation.

(1) Every broker that receives funds or moneys in trust shall establish and maintain a pooled interest-bearing trust account and shall deposit therein all funds held or received in trust by such broker, except "all funds" for purposes of this section shall not be deemed to include the following funds: (a) Separate property management trust accounts which may be either pooled funds or separate individual owner accounts, and which can include damage and/or security deposits accounts; (b) individual interest-bearing trust accounts established by the broker for individual transactions pursuant to regulations adopted by the department of licensing; or (c) any other separate trust account established by the broker pursuant to applicable laws and regulations. The interest accruing on this account, less any transaction costs, shall be paid to the real estate foundation of Washington, as established under this chapter. The broker shall be required to notify the party of the intended use of such funds and of the party's right to have a separate fund opened in the party's name if the amount of funds received from any party for deposit in a real estate transaction is equal to or greater than ten thousand dollars. Otherwise, the broker is not required to notify the party of the intended use of such funds or of the parties' right to have a separate account.

(2) The bank, credit union, or savings and loan association maintaining the pooled-bearing trust account for the broker shall comply with the following:

(a) Notify promptly the director of licensing and the real estate foundation of Washington of the name of each broker that opens such trust account and the number as signed to that account;

(b) Remit quarterly the interest or dividends on such account, less any service charges reasonably related to the maintenance of such account, to the real estate foundation of Washington; and

(c) Transmit with each remittance to the real estate foundation of Washington a statement showing the name and account number of the broker for which the remittance is sent, the rate of interest applied, and the amount of service charges, if any, and the account balance(s) of

the period for which remittance is made. A copy of such statement shall be transmitted to the depositing broker.

**NEW SECTION.** Sec. 2. A new section is added to chapter 18.85 RCW to read as follows:

There is created the broker's trust account board to consist of seven members to be selected as follows:

(1) The governor shall appoint six members with at least two residing east of the Cascade range of mountains. The governor may review nominations from the Washington association of realtors, private, nonprofit housing assistance programs, and any state-wide association of public housing authorities. Three of these appointments shall be real estate brokers or salespersons licensed under chapter 18.85 RCW.

(2) The real estate commission, created under this chapter, shall appoint one member. Members shall serve for terms of three years expiring on January 15th: PROVIDED HOWEVER, That of the first members appointed by the governor and the Washington association of realtors, one of each shall be appointed for a term of one year, one of each for a term of two years, and one of each for a term of three years. Any vacancy occurring in the membership of the board shall be filled for the remainder of the unexpired term by the individual or entity responsible for the original appointment. Members shall serve without compensation.

**NEW SECTION.** Sec. 3. A new section is added to chapter 18.85 RCW to read as follows:

(1) The members of the broker's trust account board are empowered to form a nonprofit corporation called the real estate foundation of Washington under the provisions of chapter 24.03 RCW. The brokers trust account board, through the foundation, shall assist development and financing of low-income housing with at least seventy-five percent of the revenue received pursuant to section 2 of this act. The board, through the foundation, may provide support for real estate-related charitable and educational purposes within the meaning of section 501(c)(3) of the Internal Revenue Code of 1954 with no more than twenty-five percent of the revenue received pursuant to section 2 of this act. The directors of the foundation shall be directors as long as they are members of the board or until their successors are appointed and qualified. Directors of the foundation shall serve without compensation but may be reimbursed for necessary travel and other expenses incurred in the performance of their duties as foundation directors.

(2) For the purposes of this section "low-income housing" means housing assistance for persons or families with incomes at or below fifty percent of the median income for the county or standard metropolitan statistical area of residence that will enable recipients to obtain decent, safe, and sanitary housing at no more than thirty percent of their median incomes.

(3) The real estate foundation of Washington shall have as its sole charitable and educational purpose the financing and development of low-income housing with at least seventy-five percent of the revenue received pursuant to section 2 of this act. The foundation may provide support for real estate-related charitable and educational purposes within the meaning of section 501(c)(3) of the Internal Revenue Code of 1954 with no more than twenty-five percent of the revenue received pursuant to section 2 of this act. The foundation's funds shall not be deemed public funds, and the foundation shall not be deemed a state agency. The foundation shall file an annual report with the governor.

(4) The foundation shall conduct its affairs as if it were a governmental entity subject to the requirements of the open public meetings act, chapter 42.30 RCW, and RCW 42.17.250 through 42.17.340: PROVIDED, That financial or other information relating to individual brokers shall not be subject to such requirements."

Debate ensued.

#### POINT OF INQUIRY

Senator Talmadge: "Senator Tanner, in looking at Section 3 of the proposed striking amendment, you have seventy-five percent of the revenue received going to the foundation for assisting in the development and financing of low income housing. I would presume that money would go to the Housing Trust Fund, not to some new entity--it would go through the Housing Trust Fund to be distributed?"

Senator Tanner: "Thank you, Senator Talmadge. As a matter of fact, as this bill is currently drafted, the revenue does not go through the Housing Trust Fund. Although, the definition of low income housing and the matters on which the money must be spent was taken from the Housing Trust Fund language."

Senator Talmadge: "So, it does not go to the Housing Trust Fund for distribution, but would be done in a separate process entirely?"

Senator Tanner: "That's accurate."

Further debate ensued.

#### POINT OF INQUIRY

Senator McCaslin: "Senator Tanner, in the case of a dispute or in a case where there is a delay, where is the real estate broker in that case?"

Senator Tanner: "I have to candidly answer you question, Senator McCaslin, that I don't know the answer to that question. The Board of Realtors and their representatives have worked this bill and, in fact, written most of this bill in cooperation with the Commerce staff. I believe the Board of Realtors, acting in good faith, indicated this year they would come forward with a Housing Trust Fund bill and this is their bill. The level of detail you are asking me, I don't know the answer to that question."

#### MOTION

At 10:29 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 11:02 a.m. by President Cherberg.

There being no objection, the President advanced the Senate to the seventh order of business.

There being no objection, the Senate resumed consideration of Engrossed Senate Bill No. 5955, deferred on third reading and final passage earlier today.

Debate on Engrossed Senate Bill No. 5955 ensued.

#### POINT OF INQUIRY

Senator Deccio: "Senator Bottiger, I could support this bill except I don't like to see the words, 'the state' included in the language."

Senator Bottiger: "If that's all your question is, I'll yield to Senator McDermott."

Senator Deccio: "My question is, what you're saying is that we need to pass enabling legislation for either King or Seattle to do this. I guess I can go for this, but I don't like the word 'state' in here, obviously, because of the convention center. If we need to pass enabling legislation and this is what this is in order to let Seattle make that purchase, then I'd be all for it, but I'd want the word 'state' to be pulled out."

#### REMARKS BY SENATOR McDERMOTT

Senator McDermott: "If that was a question, Senator Deccio, I don't understand if people have read this bill or not. What it is, is enabling legislation for people to decide locally if they want to do it. If the word 'state' bothers you, it's certainly no problem to me, I don't think the state Legislature is going to buy the Seattle Mariners or set up a public development authority. Seattle has set up public development authorities for the Pike Place Market. It set one up when it received the public health hospital from the United States government. The Pacific Medical Center is essentially a public development authority. There are a number of public development authorities around this state which we've set up. It is mechanism by which we can collect private money and work a public project that benefits all the people of the state. If that's your problem and you would like to vote for the bill, I'd certainly have no problem with moving for a second reading and taking out the word 'state.'"

Further debate ensued.

#### MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed Senate Bill No. 5955 was returned to second reading and read the second time.

#### MOTION

Senator McDermott moved that the following amendment be adopted:

On page 1, lines 18 and 22, after "city" strike ", county, or the state" and insert "or county"

Debate ensued.

#### POINT OF INQUIRY

Senator Hansen: "Senator McDermott, if you take 'the state' out, if Spokane would have tried to hold their triple A club--the Indians in Spokane--the way the bill is now and we get the triple A club back in Spokane, would the people of Spokane still have the opportunity to use this bill to acquire the triple A club stadium to stay there?"

Senator McDermott: "Yes, the language would now read 'any city or county,' individually or collectively, and that would mean any code city or county would have the ability to buy--the Spokane Indians or anybody else."

The President declared the question before the Senate to be adoption of the amendment by Senator McDermott.

The motion by Senator McDermott carried and the amendment was adopted.

#### MOTION

On motion of Senator McDermott, the rules were suspended, Reengrossed Senate Bill No. 5955 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Deccio: "Senator McDermott, as I understand it now with the amendment that was adopted, that this bill would not now involve the state. The only purpose of this legislation is to provide an enabling act for cities and counties around the state to purchase sports franchises?"

Senator McDermott: "That's right."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Reengrossed Senate Bill No. 5955.

#### ROLL CALL

The Secretary called the roll on final passage of Reengrossed Senate Bill No. 5955 and the bill passed the Senate by the following vote: Yeas, 30; nays, 19.

Voting yeas: Senators Anderson, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Kreidler, McDermott, Moore, Nelson, Owen, Peterson, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 30.

Voting nays: Senators Bailey, Barr, Cantu, Craswell, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, Zimmerman - 19.

REENGROSSED SENATE BILL NO. 5955, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5996, by Senators McDermott, Johnson, Fleming, Bailey, Gaspard and Wojahn

Establishing the Washington vocational technology center.

The bill was read the second time.

#### MOTION

On motion of Senator McDermott, the following Committee on Education amendments were not adopted:

On page 1, line 10, after "region," insert "and"

On page 1, line 13, after "age" strike all material through "adults" on line 16

#### MOTION

Senator McDermott moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds and declares as the express purpose of this chapter:

(1) A vocational technology center will provide both direct and indirect civic and economic benefits to the people of the state of Washington;

(2) Economic growth will be enhanced by the increased number of skilled individuals that will enter the job pool in the region and displaced workers will be retrained reducing unemployment and the numbers of persons receiving welfare;

(3) A unique opportunity exists for the business community in Puget Sound to work with the Seattle public school system and the sixth community college district in Seattle to provide effective vocational-technical training to the citizens of this state and to create a program that

will become a national model for cooperation between industries and educational systems and institutions;

(4) The program shall be designed to deliver high quality education to high school and adult students, preparing them for jobs in current and future technologies and providing trained workers for business and industry;

(5) The program will help coordinate technology training programs between the secondary and postsecondary educational systems; and

(6) A trained work force is one of the major factors that attracts new business and industries to an area, particularly in a rapidly changing technological age.

**NEW SECTION.** Sec. 2. (1) The governor is authorized to form a public nonprofit corporation in the same manner as a private nonprofit corporation is formed under chapter 24.03 RCW. The public corporation shall be an instrumentality of the state and have all the powers and be subject to the same restrictions as are permitted or prescribed to private nonprofit corporations, but shall exercise those powers only for carrying out the purposes of this chapter and those purposes necessarily implied therefrom. The governor shall appoint a board of fifteen directors for the corporation who shall serve terms of six years. The governor shall appoint the members as follows: Nine members shall represent the business community, three members shall represent the sixth community college district board of trustees, and three shall represent the Seattle school board. The terms of the initial members shall be staggered. The directors may provide for the payment of their expenses. The corporation may cause a vocational technical center to be designed and constructed on a site in the city of Seattle. The center shall be named the Washington institute of applied technology.

(2) The powers and duties of the directors shall include:

(a) Having full authority and responsibility for management, policy decisions, curriculum development, and resource allocations involving the center;

(b) Employing a director of the center, who shall serve at the pleasure of the directors of the corporation;

(c) Working with the Seattle school district and the sixth community college district to use existing resources of the Seattle school district and the sixth community college district to provide services for all normal operating functions of the center, including but not limited to, payroll, personnel, accounting, and disbursement of funds, as authorized by the director;

(d) Working closely with the office of the superintendent of public instruction on all fiscal matters;

(e) Negotiating an agreement with the sixth community college district and the Seattle school district which will commit all parties to a plan of governance and operation of the center and the plan shall be completed and agreed upon within forty-five days after the effective date of this section;

(f) Hiring staff as necessary to negotiate, with the approval of the directors, with the applicable public or private service providers to conduct the instructional activities of the center. However, the directors shall not hire instructional staff or faculty;

(g) Designing and implementing the programs offered through the center, but the directors shall not cause a training program in the construction trades to be offered unless the program is approved by recognized trade groups in this state and the directors;

(h) Awarding appropriate diplomas or certificates of completion, or other evidence of satisfactory performance may be awarded as appropriate;

(i) Initiating and causing to be conducted research regarding the needs of businesses and industries in the region and the state for a work force with appropriate training and evaluating the center's programs and courses based upon the research;

(j) Preparing a budget for the center consistent with the requirements applicable to common school districts;

(k) Receiving such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the center and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments; and

(l) Charging tuition and fees that shall not be higher than that provided for community colleges under RCW 28B.15.502 and that comply with the applicable provisions under chapter 28B.15 RCW, including but not limited to the provisions defining "resident student," and the board may provide for waivers of tuition and fees and provide scholarships.

(3) The directors shall enter into contracts with participating school districts that provide for a school district to reimburse the center for the costs of a student enrolled in a school in that district attending a course or courses at the center. The reimbursement shall not exceed the proportionate amount of full time equivalent funding received by the district for that student, and for state-funding purposes such student shall be deemed to be attending courses in the applicable school district.

(4) The corporation may acquire and transfer real and personal property by lease, purchase, or sale, and further acquire property by condemnation of privately owned property or rights to and interests in such property pursuant to the procedure in chapter 8.04 RCW, or gift, accept grants, cause the vocational technical center facilities to be constructed if funds are so

appropriated, and do whatever is necessary or appropriate to carry out those purposes. In order to allow the corporation flexibility to secure appropriate insurance by negotiation, the corporation is exempt from RCW 48.30.270. The corporation shall maintain, operate, promote, and manage the vocational technology center.

(5) In order to allow the corporation flexibility in its personnel policies, the corporation is exempt from chapter 41.06 RCW, chapter 41.05 RCW, RCW 43.01.040 through 43.01.044, chapter 41.04 RCW; chapter 28B.16 RCW; and chapter 41.40 RCW.

NEW SECTION. Sec. 3. Members of the board shall be compensated in accordance with RCW 43.03.250 and shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 4. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 5. Sections 1 through 3 of this act shall constitute a new chapter in Title 28C RCW.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

#### POINT OF ORDER

Senator Pullen: "Mr. President, I raise the point of order that the striking amendment expands the scope and object of the bill. I draw your attention to the intent section of the striking amendment. Even the intent section has redefined the entire intent of the bill. There are four items included in the existing bill. Senator McDermott has expanded that to six items in the intent section and the entire focus of the bill would now change. For example, the funding and the bonding that is discussed in Sections five and six is no longer in the striking amendment and, furthermore, I'd draw the President's attention to the fact that the striking amendment does contain a title amendment which on some occasions is prima facie evidence of expanding the scope and object of the bill."

Further debate ensued.

#### MOTION

On motion of Senator Vognild, further consideration of Senate Bill No. 5996 was deferred.

#### SECOND READING

SENATE BILL NO. 5976, by Senators Hansen and Barr

Changing provisions relating to livestock liens.

The bill was read the second time.

#### MOTION

On motion of Senator Hansen, the rules were suspended, Senate Bill No. 5976 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5976.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5976 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SENATE BILL NO. 5976, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE JOINT MEMORIAL NO. 8007, by Senators Wojahn, Deccio, Barr and Moore

Petitioning Congress to authorize hospitals to use excess beds for nursing home care.

The memorial was read the second time.

## MOTION

On motion of Senator Wojahn, the rules were suspended, Senate Joint Memorial No. 8007 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Joint Memorial No. 8007.

## ROLL CALL

The Secretary called the roll on final passage of Senate Joint Memorial No. 8007 and the memorial passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vogndil, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Voting nay: Senator West - 1.

SENATE JOINT MEMORIAL NO. 8007, having received the constitutional majority, was declared passed.

## MOTION TO DISPENSE WITH CALL OF THE SENATE

On motion of Senator Bottiger, the Senate dispensed with the Call of the Senate.

## MOTION

On motion of Senator Bottiger, the Senate recessed until 1:30 p.m.

## AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Cherberg.

There being no objection, the President reverted the Senate to the fifth order of business.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 46 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.

Referred to Committee on Ways and Means.

SHB 97 by Committee on Local Government (originally sponsored by Representatives Braddock, Haugen, Kremen and Ferguson)

Modifying provisions relating to sale of property by special districts.

Referred to Committee on Governmental Operations.

SHB 143 by Committee on Health Care (originally sponsored by Representatives Brekke, Miller, Lewis, Hine, Lux, Fuhrman, Scott and H. Sommers)

Regulating naturopathic physicians.

Referred to Committee on Human Services and Corrections.

ESHB 168 by Committee on Local Government (originally sponsored by Representatives Madsen, Brough, Haugen, May, Unsoeld, Sayan, Grant,

Nutley, L. Smith, Ferguson, Holm, Todd, Belcher, Basich, Hargrove, Spanel, Leonard, Cooper and Hine)

Revising provisions on fire service district service charges.

Referred to Committee on Governmental Operations.

ESHB 186 by Committee on Local Government (originally sponsored by Representatives Haugen, Brough, Nutley, May, Hine, L. Smith, Zellinsky, Braddock and Crane)

Raising amounts over which public contracts must be sent out for competitive bids.

Referred to Committee on Governmental Operations.

ESHB 243 by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Fisher, Pruitt, P. King and Fisch)

Revising the requirements for statements to describe ballot propositions.

Referred to Committee on Governmental Operations.

ESHB 249 by Committee on Housing (originally sponsored by Representatives Nutley, J. Williams, Leonard and Todd) (by request of Department of Community Development)

Revising provisions on non-energy-related building codes.

Referred to Committee on Commerce and Labor.

SHB 274 by Committee on Human Services (originally sponsored by Representatives Brekke, Braddock and P. King) (by request of Department of Social and Health Services)

Changing provisions relating to how department of social and health services recovers overpayments of benefits to recipients and vendors.

Referred to Committee on Human Services and Corrections.

ESHB 298 by Committee on Local Government (originally sponsored by Representatives Haugen, Brough, P. King, Holm and Unsoeld)

Permitting certain library districts, metropolitan park districts, fire protection districts, and public hospital districts to withdraw areas from their boundaries.

Referred to Committee on Governmental Operations.

EHB 308 by Representatives Zellinsky, Schmidt and Brough

Dividing funding of the state ferry system between ferry revenues and the motor vehicle fund.

Referred to Committee on Transportation.

HB 314 by Representatives H. Sommers, Hankins and Belcher

Revising provisions relating to public works contracts.

Referred to Committee on Governmental Operations.

EHB 338 by Representatives Zellinsky, Schmidt, Meyers, Walk, Pruitt, S. Wilson, J. Williams and P. King (by request of Washington State Transportation Commission)

Authorizing the transportation commission to retain legal counsel and other technical experts.

Referred to Committee on Transportation.

SHB 418 by Committee on Judiciary (originally sponsored by Representatives Armstrong, Schmidt, Holm, Brekke, Sutherland, Locke, Winsley and Todd) (by request of Department of Social and Health Services)

Establishing a child support schedule commission.

Referred to Committee on Judiciary.

SHB 419 by Committee on Judiciary (originally sponsored by Representatives Hargrove, Wineberry, Padden, Brekke, Holm, Patrick, Winsley, Brough, Silver and Moyer) (by request of Department of Social and Health Services)

Providing for administrative determination of paternity.

Referred to Committee on Judiciary.

SHB 420 by Committee on Judiciary (originally sponsored by Representatives Appelwick, Armstrong, Valle, Brekke, Holm, Sutherland, Locke and Winsley) (by request of Department of Social and Health Services)

Creating the Washington state support registry.

Referred to Committee on Judiciary.

EHB 421 by Representatives Zellinsky, Brough, Schmidt, Walk and J. Williams

Creating a special pilotage license.

Referred to Committee on Transportation.

E2SHB 434 by Committee on Ways and Means (originally sponsored by Representatives Unsoeld, May, Rust, Walker, Pruitt, Hine, Leonard, Winsley, Lux and Todd) (by request of Department of Ecology)

Providing for procedures to protect the public from hazardous substances.

Referred to Committee on Parks and Ecology.

E2SHB 586 by Committee on Ways and Means/Appropriations (originally sponsored by Representatives Scott, Lewis, Brekke, Winsley, Leonard, Brough, Betzoff, R. King, Doty, P. King, Todd, Unsoeld and May)

Providing for comprehensive child protective services.

Referred to Committee on Human Services and Corrections.

SHB 608 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.

Referred to Committee on Judiciary.

SHB 634 by Committee on Commerce and Labor (originally sponsored by Representatives R. King, Winsley, Patrick, Fisch, Fisher, Allen, Sayan, Day, Lux, Miller, Betzoff and Hankins)

Prohibiting employment of individuals without required plumbing certificates.

Referred to Committee on Commerce and Labor.

SHB 646 by Committee on Human Services (originally sponsored by Representatives Brekke, Winsley, H. Sommers, R. King, Leonard and Sanders) (by request of Department of Social and Health Services)

Establishing an alcoholism and drug addiction treatment and shelter program.

Referred to Committee on Human Services and Corrections.

SHB 746 by Committee on Transportation (originally sponsored by Representatives Walk, Schmidt, Zellinsky, Pruitt, Meyers, S. Wilson, Brough, Haugen, Heavey, Schoon, P. King and Betzoff)

Establishing procedures for state purchase of passenger-only ferries.

Referred to Committee on Transportation.

- E2SHB 758 by Committee on Ways and Means (originally sponsored by Representatives Sutherland, Belcher, McMullen and P. King) (by request of Governor Gardner)

Establishing the department of wildlife.

Referred to Committee on Natural Resources.

- SHB 763 by Committee on Health Care (originally sponsored by Representative Niemi)

Establishing priorities for who may consent to health care for another.

Referred to Committee on Human Services and Corrections.

- 2SHB 813 by Committee on Ways and Means/Appropriations (originally sponsored by Representatives Leonard, Ebersole, Armstrong, Brekke, Allen, Locke, May, Jacobsen, Lux, K. Wilson, Cole, Nutley, Cooper, Rayburn, Moyer, Unsoeld, Schoon, Hine, Taylor, Scott, Winsley, Meyers, Bumgarner, Belcher, Walker, O'Brien, R. King, Dellwo, P. King, Wineberry, Fisch, Rasmussen and Todd)

Creating a governor's commission on children.

Referred to Committee on Human Services and Corrections.

- SHB 859 by Committee on Transportation (originally sponsored by Representatives Day, Dellwo, D. Sommers, Patrick, Fisher, Fisch, Vekich, Schmidt, Gallagher, Baugher, Walk, Doty, Bumgarner, Moyer, Silver, Taylor and Padden)

Removing the tolls from the Spokane river toll bridge.

Referred to Committee on Transportation.

- SHB 873 by Committee on Human Services (originally sponsored by Representatives Valle, Jacobsen and Wineberry)

Authorizing a study on teenage suicide.

Referred to Committee on Human Services and Corrections.

- EHB 1034 by Representatives Fisher, Walk, Vekich, Madsen, Walker, Fisch, Spanel, Hine, H. Sommers, Jacobsen, Todd, Bristow, Cantwell, K. Wilson, Leonard, Lux, Unsoeld, Allen, Grimm, Winsley, Baugher, Nelson, Scott, Ebersole, Cole, Niemi, Sutherland, Brekke, Wang, Basich, Wineberry and P. King

Establishing the rail development account.

Referred to Committee on Transportation.

- ESHB 1035 by Committee on Transportation (originally sponsored by Representatives Fisher, Walk, Vekich, Madsen, Walker, Fisch, Spanel, Hine, H. Sommers, Jacobsen, Todd, Bristow, Cantwell, K. Wilson, Leonard, Lux, Unsoeld, Allen, Grimm, Winsley, Nelson, Cole, Scott, Baugher, Ebersole, Niemi, Sutherland, Brekke, Wang, Basich, Wineberry and P. King)

Creating the rail development commission.

Referred to Committee on Transportation.

- SHB 1065 by Committee on Ways and Means/Appropriations (originally sponsored by Representatives Locke, Madsen, Ballard, Dellwo, McMullen, Silver, Braddock, Nealey, Armstrong, B. Williams, H. Sommers, McLean, Peery, Belcher, Hine, Grant, Walk, Day, Patrick, Niemi, Holland, Miller, May, Kremen, R. King, Fuhrman, Betzoff and Jesernig)

Providing for the establishment of an automatic fingerprint identification system.

Referred to Committee on Judiciary.

HB 1087 by Representatives Locke, May, Schoon and Niemi

Changing requirements for property tax exemptions for arts organizations.

Referred to Committee on Ways and Means.

EHB 1093 by Representatives Zellinsky, Lux, Chandler, Schmidt and P. King

Revising deposit, permit, and insurance requirements for public fireworks displays.

Referred to Committee on Commerce and Labor.

EHB 1123 by Representatives Walk, Schmidt and Baugher

Directing moneys from the grade crossing protective fund to the motor vehicle fund.

Referred to Committee on Transportation.

HB 1126 by Representative Rayburn

Permitting double-sided ballot cards.

Referred to Committee on Governmental Operations.

HB 1185 by Representative Appelwick

Specifying the order for the deduction of levy rates of junior taxing districts to meet limitations imposed by law.

Referred to Committee on Governmental Operations.

There being no objection, the President returned the Senate to the sixth order of business.

#### SECOND READING

SENATE JOINT MEMORIAL NO. 8015, by Senators Bottiger and Johnson

Requesting the opening of the Arctic National Wildlife Refuge Coastal Plain to oil and gas exploration.

The memorial was read the second time.

#### MOTION

On motion of Senator Bottiger, the rules were suspended, Senate Joint Memorial No. 8015 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Joint Memorial No. 8015.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Joint Memorial No. 8015 and the memorial passed the Senate by the following vote: Yeas, 41; nays, 2; absent, 6.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Tanner, Vogtild, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 41.

Voting nay: Senators Talmadge, Williams - 2.

Absent: Senators Bluechel, Conner, Lee, McDermott, Peterson, Smitherman - 6.

SENATE JOINT MEMORIAL NO. 8015, having received the constitutional majority, was declared passed.

#### MOTION

On motion of Senator Bender, Senator Peterson was excused.

#### SECOND READING

SENATE BILL NO. 6010, by Senators Kreidler and Hansen

Providing for the disposal of hazardous waste pesticides.

## MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 6010 was substituted for Senate Bill No. 6010 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Substitute Senate Bill No. 6010 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Hansen, you know the Ecology Department has banned the use of Sevin spraying over the Willapa Bay and Grays Harbor. Are the farmers using Sevin poison anymore?"

Senator Hansen: "I think Sevin hasn't been used since we annihilated the feed population in eastern Washington and so, it's been restricted for a long time."

Senator Rasmussen: "Well, they annihilated two thousand people down in Bhopal, India, too, with the same poison."

Senator Hansen: "I'm not acquainted with that at all."

Senator Rasmussen: "Well, it does annihilate everything in sight then?"

Senator Hansen: "No. I don't think so."

Senator Rasmussen: "Only stuff that flies and swims?"

Senator Hansen: "Crawls."

Senator Rasmussen: "I think you've covered the field, Senator Hansen. Thank you. I was concerned and I hope Ecology will keep the ban on."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 6010.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 6010 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Conner - 1.

Excused: Senator Peterson - 1.

SUBSTITUTE SENATE BILL NO. 6010, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Bender, Senator Halsan was excused.

## SECOND READING

SENATE JOINT MEMORIAL NO. 8009, by Senators Moore and Talmadge

Requesting rejection of reductions in student financial aid.

The memorial was read the second time.

## MOTION

On motion of Senator Moore, the rules were suspended, Senate Joint Memorial No. 8009 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Joint Memorial No. 8009.

## ROLL CALL

The Secretary called the roll on final passage of Senate Joint Memorial No. 8009 and the memorial passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Halsan, Peterson - 2.

SENATE JOINT MEMORIAL NO. 8009, having received the constitutional majority, was declared passed.

## SECOND READING

SENATE JOINT MEMORIAL NO. 8016, by Senator Hansen

Requesting the strengthening of the Farm Credit System to assist Washington farmers.

The memorial was read the second time.

## MOTION

On motion of Senator Hansen, the rules were suspended, Senate Joint Memorial No. 8016 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Joint Memorial No. 8016.

## ROLL CALL

The Secretary called the roll on final passage of Senate Joint Memorial No. 8016 and the memorial passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Halsan, Peterson - 2.

SENATE JOINT MEMORIAL NO. 8016, having received the constitutional majority, was declared passed.

There being no objection, the President advanced the Senate to the eighth order of business.

## MOTION

On motion of Senator Hansen, the following resolution was adopted:

## SENATE RESOLUTION 1987-8630

by Senators Hansen, Rasmussen and Zimmerman

WHEREAS, The week of March 16 through March 20 is National Agriculture Week; and

WHEREAS, Governor Gardner has proclaimed Friday, March 20, as Agriculture Day; and

WHEREAS, Agriculture is the state's number one industry, generating more than three-hundred and fifty thousand jobs; and

WHEREAS, Agriculture in Washington is a three-billion dollar per year industry, with over one-billion dollars worth of agricultural commodities exported each year; and

WHEREAS, An overwhelming majority of the state's thirty-eight thousand farms are owned by families and individuals, in the great tradition of our rural heritage; and

WHEREAS, Agricultural land constitutes approximately forty percent of the total land area of the state, showing the extensive impact of agriculture on this state's land base; and

WHEREAS, The Washington State Senate acknowledges and applauds the agriculture industry's growing diversity, which has made Washington the second ranking state in the nation in terms of diversity of crops; and

WHEREAS, Washington's commodities such as apples, sweet cherries, hops, cattle and potatoes, along with new products such as Washington's premium wines are known and respected worldwide; and

WHEREAS, Soon all of Washington's many varied commodities and agricultural products will be likewise recognized;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, That the Senate recognizes and supports agriculture in the state, and is aware of the need for the continued strength of agriculture in order to develop and maintain a strong economic climate in this state.

Senators Hansen, Barr, Rasmussen, Talmadge, Benitz, Vognild, Fleming, Deccio and Cantu spoke to the resolution.

There being no objection, the President returned the Senate to the sixth order of business.

There being no objection, the Senate resumed consideration of Senate Bill No. 5996 and the pending striking amendment by Senator McDermott, deferred earlier today.

#### RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Pullen, the President finds that Senate Bill 5996 is a measure establishing the Washington Vocational Technical Center by way of a non-profit corporation, authorizing a bond sale to finance construction of the center and designating the powers of a board appointed by the Governor to operate the center.

"The amendment proposed by Senator McDermott also establishes the Washington Vocational Technical Center, authorizes the Governor to form a non-profit corporation with a board of directors to operate the center and delegates certain powers to that board.

"The President, therefore, finds that the proposed amendment does not change the scope and object of the bill and that the point of order is not well taken."

The amendment by Senator McDermott was ruled in order.

#### MOTION

On motion of Senator McDermott, the following amendment to the amendment was adopted:

On page 6, line 13 of the striking amendment, after "purposes," strike everything down to and including "270." on line 17.

The President declared the question before the Senate to be adoption of the amendment by Senator McDermott, as amended.

The amendment by Senator McDermott, as amended, was adopted.

#### MOTIONS

On motion of Senator McDermott, the following title amendment was adopted:

On page 1, line 1 of the title, after "center;" strike the remainder of the title and insert "adding a new chapter to Title 28C RCW; and declaring an emergency."

On motion of Senator McDermott, the rules were suspended, Engrossed Senate Bill No. 5996 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator McDermott, I see a letter from John Terrey dated yesterday in which he said, 'I wish the board created by the bill would be required to file an annual report on program and fiscal activities with the Legislature and other interested bodies.' Is that in the bill at the present time?"

Senator McDermott: "Senator Rasmussen, it is not."

Senator Rasmussen: "Will you recommend to the House that they put that provision in?"

Senator McDermott: "I will go over there and do that."

#### POINT OF INQUIRY

Senator Patterson: "Senator McDermott, I have been trying to find the funding mechanism, for the support in addition to contribution, etc., and also the powers that are being granted as far as the acquiring of property, who are they responsible to, what state entity would have any kind of jurisdiction? I am concerned from all those standpoints."

Senator McDermott: "The model that we used, Senator Patterson, was that of the vocational-technical institutes. The money will go through the Seattle public schools as it does in Clover Park and Bates Vocational Technical which goes through the Tacoma schools and the Lake Washington school district."

"The acquisition of property or the decision on whether to lease or to buy, that is not spoken to directly in the bill. It is something that will be decided by the board and they will have to approach us for appropriation. The original bill had bonding authority and a lot of other things in there. We took that all out and it will require them to come back here if they want to build a building or buy a building, they will have to approach the Legislature. They will have their money on the same per-capita basis as any other vocational-technical institute and it would be decided in the budget--we estimate that would be about seven hundred students. It would be done through the budget in the Office of the Superintendent of Public Instruction, directly to the Seattle public schools systems."

Senator Patterson: "Then they would be subject to the appropriations by the Legislature for all of the monies other than those that might be contributed from other sources?"

Senator McDermott: "That is correct."

Senator Patterson: "We will appropriate it to the Superintendent of Public Instruction for allocation to them?"

Senator McDermott: "As we do in all the voc bills."

Senator Patterson: "We basically have control over the capital program and the operational dollars?"

Senator McDermott: "Absolutely."

Further debate ensued.

#### POINT OF INQUIRY

Senator Hayner: "Senator McDermott, it's rather unusual for the state to give the power of eminent domain to a non-profit corporation. I understand the first time we did this was for the convention center. Is that your understanding?"

Senator McDermott: "Where is that?"

Senator Hayner: "It's in this bill. It's on page 6, line 3."

Senator McDermott: "Would you repeat your question?"

Senator Hayner: "I just said it was very unusual for the state to give the right of eminent domain to a non-profit corporation and that, to my knowledge, the first time it was done--and probably the only time--was in the convention center situation. Is that your understanding?"

Senator McDermott: "Yes, Senator Hayner. You have found the second code revisor error, it looks like to me. We had told them to take that out. We took out all the reference to the enterprise fund and everything else and apparently they did not drop that out. I would be willing to put it back on second reading and drop that out."

Further debate ensued.

#### MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed Senate Bill No. 5996 was returned to second reading and read the second time.

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator McDermott moved to reconsider the vote by which the striking amendment by Senator McDermott was adopted.

The President declared the question before the Senate to be the motion by Senator McDermott to reconsider the vote by which the striking amendment by Senator McDermott was adopted.

The motion by Senator McDermott carried and the Senate commenced reconsideration of the striking amendment to Senate Bill No. 5996.

#### MOTION

Senator McDermott moved that the following amendment to the striking amendment, on reconsideration, be adopted:

On page 6, beginning on line 4 of the striking amendment, strike all material down to and including "or" on line 7

Debate ensued.

#### POINT OF INQUIRY

Senator Patterson: "Senator McDermott, we are striking out a lot of language which then leaves the question that there is going to have to be some property acquired in order to start the technology institute. I would like to know what the exact procedure will be. When we strike out the power of eminent domain, what will be the procedure that this board will have to go through in order to acquire property and get underway?"

Senator McDermott: "Senator Patterson, it will have to be in the capital budget. If you read the language, it says that, 'the corporation may acquire, transfer real and personal property by lease, purchase or sale.' They can't do it until they have the money. It's got to come to the capital budget, so the process will be like it is for anything else. It goes through the capital budget. They will have no access to doing anything. They won't have any money. You can't do anything without money and this will allow them to lease or make plans to lease, but they will have to get the money through the budget."

Senator Patterson: "How long would you anticipate, Senator, that it will take to really get underway? I mean, it has an emergency clause on it and I am just wondering how soon the Legislature could address the issue of capital expenditures—the extent of it? You say seven hundred and fifty students. I don't know what kind of a facility and the type of equipment and the type of programs that are going to be offered to accommodate that number of students and what the cost might be. You know, we are taking on a substantial project with very little information. I want to express that concern."

The President declared the question before the Senate to be adoption of the amendment by Senator McDermott on page 6, line 4, to the striking amendment.

The motion by Senator McDermott carried and the amendment to the amendment was adopted.

#### MOTION

On motion of Senator Rasmussen, the following amendment to the amendment was adopted:

On page 6, line 34 of the striking amendment by Senator McDermott, after "43.03.060." insert "The board created by the bill would be required to file an annual report on program and fiscal activities with the legislature and the superintendent of public instruction."

The President declared the question before the Senate to be adoption of the striking amendment by Senator McDermott, as amended, on reconsideration.

The striking amendment, as amended, on reconsideration, was adopted.

#### MOTION

On motion of Senator McDermott, the rules were suspended, Reengrossed Senate Bill No. 5996 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Reengrossed Senate Bill No. 5996.

## ROLL CALL

The Secretary called the roll on final passage of Reengrossed Senate Bill No. 5996 and the bill passed the Senate by the following vote: Yeas, 28; nays, 20; absent, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, McDermott, Owen, Peterson, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 28.

Voting nay: Senators Anderson, Bailey, Benitz, Bluechel, Cantu, Craswell, Hayner, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, West, Zimmerman - 20.

Absent: Senator Barr - 1.

REENGROSSED SENATE BILL NO. 5996, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5972, by Senators Bottiger and Newhouse

Limiting liability of persons involved in professional peer review bodies for health care professionals.

The bill was read the second time.

## MOTIONS

Senator Bottiger moved that the following amendment be adopted:

On page 2, after line 12, insert the following:

\*Sec. 5. Section 4, chapter 300, Laws of 1986 and RCW 70.41.200 are each amended to read as follows:

(1) Every hospital shall maintain a coordinated program for the identification and prevention of medical malpractice. The program shall include at least the following:

(a) The establishment of a quality assurance committee with the responsibility to review the services rendered in the hospital in order to improve the quality of medical care of patients and to prevent medical malpractice. The committee shall oversee and coordinate the medical malpractice prevention program and shall insure that information gathered pursuant to the program is used to review and to revise hospital policies and procedures. At least one member of the committee shall be a member of the governing board of the hospital who is not otherwise affiliated with the hospital in an employment or contractual capacity;

(b) A medical staff privileges sanction procedure through which credentials, physical and mental capacity, and competence in delivering health care services are periodically reviewed as part of an evaluation of staff privileges;

(c) The periodic review of the credentials, physical and mental capacity, and competence in delivering health care services of all persons who are employed or associated with the hospital;

(d) A procedure for the prompt resolution of grievances by patients or their representatives related to accidents, injuries, treatment, and other events that may result in claims of medical malpractice;

(e) The maintenance and continuous collection of information concerning the hospital's experience with negative health care outcomes and incidents injurious to patients, patient grievances, professional liability premiums, settlements, awards, costs incurred by the hospital for patient injury prevention, and safety improvement activities;

(f) The maintenance of relevant and appropriate information gathered pursuant to (a) through (e) of this subsection concerning individual physicians within the physician's personnel or credential file maintained by the hospital;

(g) Education programs dealing with patient safety, injury prevention, staff responsibility to report professional misconduct, the legal aspects of patient care, improved communication with patients, and causes of malpractice claims for staff personnel engaged in patient care activities; and

(h) Policies to ensure compliance with the reporting requirements of this section.

(2) Any person who, in substantial good faith, provides information to further the purposes of the medical malpractice prevention program or who, in substantial good faith, participates on the quality assurance committee shall not be subject to an action for civil damages or other relief as a result of such activity.

(3) Information and documents, including complaints and incident reports, created, collected, and maintained about health care providers arising out of the matters that are subject to evaluation by a review committee conducting quality assurance reviews are not subject to

discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or board shall be permitted or required to testify in any civil action as to the content of such proceedings. This subsection does not preclude: (a) in any civil action, the testimony of any person concerning the facts which form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (b) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality assurance committees regarding such health care provider; ((or)) (c) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any, and reasons therefor; or (d) in any civil action, discovery and introduction into evidence of medical records required by regulation of the department of social and health services to be made regarding the care and treatment received.

(4) The department of social and health services shall adopt such rules as are deemed appropriate to effectuate the purposes of this section.

(5) The medical disciplinary board or the board of osteopathic medicine and surgery, as appropriate, may review and audit the records of committee decisions in which a physician's privileges are terminated or restricted. Each hospital shall produce and make accessible to the board the appropriate records and otherwise facilitate the review and audit. Information so gained shall not be subject to the discovery process and confidentiality shall be respected as required by subsection (3) of this section. Failure of a hospital to comply with this subsection is punishable by a civil penalty not to exceed two hundred fifty dollars.

(6) Violation of this section shall not be considered negligence per se.

Sec. 6, Section 11, chapter 300, Laws of 1986 and RCW 70.41.230 are each amended to read as follows:

(1) Prior to granting or renewing clinical privileges or association of any physician or hiring a physician, a hospital or facility approved pursuant to this chapter shall request from the physician and the physician shall provide the following information:

(a) The name of any hospital or facility with or at which the physician had or has any association, employment, privileges, or practice;

(b) If such association, employment, privilege, or practice was discontinued, the reasons for its discontinuation;

(c) Any pending professional medical misconduct proceedings or any pending medical malpractice actions in this state or another state, the substance of the allegations in the proceedings or actions, and any additional information concerning the proceedings or actions as the physician deems appropriate;

(d) The substance of the findings in the actions or proceedings and any additional information concerning the actions or proceedings as the physician deems appropriate;

(e) A waiver by the physician of any confidentiality provisions concerning the information required to be provided to hospitals pursuant to this subsection; and

(f) A verification by the physician that the information provided by the physician is accurate and complete.

(2) Prior to granting privileges or association to any physician or hiring a physician, a hospital or facility approved pursuant to this chapter shall request from any hospital with or at which the physician had or has privileges, was associated, or was employed, the following information concerning the physician:

(a) Any pending professional medical misconduct proceedings or any pending medical malpractice actions, in this state or another state;

(b) Any judgment or settlement of a medical malpractice action and any finding of professional misconduct in this state or another state by a licensing or disciplinary board; and

(c) Any information required to be reported by hospitals pursuant to RCW 18.72.265.

(3) The medical disciplinary board shall be advised within thirty days of the name of any physician denied staff privileges, association, or employment on the basis of adverse findings under subsection (1) of this section.

(4) A hospital or facility that receives a request for information from another hospital or facility pursuant to subsections (1) and (2) of this section shall provide such information concerning the physician in question to the extent such information is known to the hospital or facility receiving such a request, including the reasons for suspension, termination, or curtailment of employment or privileges at the hospital or facility. A hospital, facility, or other person providing such information in good faith is not liable in any civil action for the release of such information.

(5) Information and documents, including complaints and incident reports, created, collected, and maintained about health care providers arising out of the matters that are subject to evaluation by a review committee conducting quality assurance reviews are not subject to discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or board shall be permitted or required to testify in any civil action as to the content of such proceedings. This subsection does not preclude: (a) In any

civil action, the testimony of any person concerning the facts which form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (b) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality assurance committees regarding such health care provider; ~~((or))~~ (c) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any, and reasons therefor; or (d) in any civil action, discovery and introduction into evidence of medical records and reports required by regulation of the department of social and health services to be made regarding the care and treatment received.

(6) Hospitals shall be granted access to information held by the medical disciplinary board and the board of osteopathic medicine and surgery pertinent to decisions of the hospital regarding credentialing and recredentialing of practitioners.

(7) Violation of this section shall not be considered negligence per se."

Remember the remaining section consecutively and correct any internal references accordingly.

Senator Bottiger moved that the following amendment to the amendment be adopted:

On page 8 of the Bottiger amendment, on line 23, after "records" strike "and reports"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Bottiger on page 8, line 23, to the amendment by Senator Bottiger.

The motion by Senator Bottiger carried and the amendment to the amendment was adopted.

The President declared the question before the Senate to be adoption of the amendment by Senator Bottiger, as amended.

The motion by Senator Bottiger carried and the amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Talmadge, the following title amendment was adopted:

On page 1, line 2 of the title, after "process;" insert "amending RCW 70.41.200 and 70.41.230;"

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 5972 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5972.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5972 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

ENGROSSED SENATE BILL NO. 5972, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5459 and the pending amendment, as amended, by Senator Fleming, deferred March 19, 1987.

#### RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Pullen, the President finds that Substitute Senate Bill 5459 is a measure requiring affirmative action plans for certain state contractors and giving the Human Rights Commission powers regarding complaints and enforcement of such plans.

"The amendment proposed by Senator Fleming deals with affirmative action plans for contractors bidding on state contracts with compliance and enforcement powers delegated to the State Human Rights Commission.

"The President, therefore, finds that the proposed amendment does not change the scope and object of the bill and that the point of order is not well taken."

The amendment by Senator Fleming, as amended, was ruled in order.

The President declared the question before the Senate to be adoption of the amendment by Senator Fleming, as amended.

The amendment by Senator Fleming, as amended, was adopted.

#### MOTIONS

On motion of Senator Fleming, the following title amendment was adopted:

On page 1, line 1 of the title, after "contracts;" strike the remainder of the title and insert "adding a new chapter to Title 39 RCW; adding new sections to chapter 43.131 RCW; prescribing penalties; making an appropriation; providing an expiration date; and providing an effective date."

On motion of Senator Fleming, the rules were suspended, Engrossed Substitute Senate Bill No. 5459 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5459.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5459 and the bill failed to pass the Senate by the following vote: Yeas, 24; nays, 24; absent, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Moore, Owen, Peterson, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 24.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, West, Zimmerman - 24.

Absent: Senator Lee - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5459, having failed to receive the constitutional majority, was declared lost.

#### MOTION

On motion of Senator Bender, Senator Stratton was excused.

#### SECOND READING

SENATE BILL NO. 6055, by Senators Owen and Lee

Authorizing the office of financial management to review and revise capital budget plans.

#### MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 6055 was substituted for Senate Bill No. 6055 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the following amendments by Senators Owen, Lee and McDermott were considered simultaneously and adopted:

On page 1, line 6, after "management" strike "may review and" and insert "shall review and may"

On page 1, line 7, after "plans" insert ". The office of financial management may accomplish these reviews"

On motion of Senator Owen, the following amendment by Senators Owen, Lee and McDermott was adopted:

On page 1, line 18, after "(2)" insert "All capital programs and projects, including lease and lease development projects shall be subject to the approval of the state capitol committee when the real estate is located in Thurston county.

On motion of Senator Owen, the rules were suspended, Engrossed Substitute Senate Bill No. 6055 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 6055.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 6055 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Talmadge, Tanner, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Stratton - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6055, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6064, by Senators McDermott and Deccio

Changing provisions relating to the local excise tax on lodgings.

#### MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 6064 was substituted for Senate Bill No. 6064 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Deccio, the following amendments by Senators Deccio and McDermott were considered simultaneously and adopted:

On page 2, line 6, after "(a)," strike "~~(so long as and)~~"

On page 2, line 7, after "issued" insert "at any time"

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute Senate Bill No. 6064 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 6064.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 6064 and the bill passed the Senate by the following vote: Yeas, 47; nays, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognlid, von Reichbauer, Warnke, West, Williams, Zimmerman - 47.

Voting nay: Senators Pullen, Wojahn - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6064, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6065, by Senator Nelson

Changing length of time collection agencies must preserve records.

The bill was read the second time.

## MOTION

On motion of Senator Warnke, the rules were suspended, Senate Bill No. 6065 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 6065.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 6065 and the bill passed the Senate by the following vote: Yeas, 46; nays, 3.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Zimmerman - 46.

Voting nays: Senators Rinehart, Tanner, Wojahn - 3.

SENATE BILL NO. 6065, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President advanced the Senate to the seventh order of business.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5314, deferred on third reading and final passage March 19, 1987.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5314.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5314 and the bill failed to pass the Senate by the following vote: Yeas, 17; nays, 32.

Voting yeas: Senators Bauer, Bottiger, Conner, DeJarnatt, Fleming, Gaspard, Halsan, Kreidler, Lee, McDermott, Moore, Rinehart, Smitherman, Talmadge, Warnke, Williams, Wojahn - 17.

Voting nays: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Craswell, Deccio, Garrett, Hansen, Hayner, Johnson, Kiskaddon, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Tanner, Vognild, von Reichbauer, West, Zimmerman - 32.

SUBSTITUTE SENATE BILL NO. 5314, having failed to receive the constitutional majority, was declared lost.

EDITOR'S NOTE: After listening to the tape of the Roll Call on Substitute Senate Bill No. 5314, it was determined that Senator Lee voted 'nay.'

There being no objection, the President advanced the Senate to the eighth order of business.

## MOTION

Senator Metcalf moved that the following resolution be adopted:

## SENATE RESOLUTION 1987-8629

by Senator Metcalf

WHEREAS, It has been agreed since the Golden Age of ancient Greece that nature produces the greatest art; and

WHEREAS, The natural beauty of the state of Washington is renowned world-wide; and

WHEREAS, Nature did her thing again on the University of Washington campus when the stadium building project collapsed from apparently natural causes; and

WHEREAS, In carefully studying the result of this natural act, it has a beauty of its own, it is monumental in size, it couldn't have been produced in just that way even if some artist had planned it; it is probably better than most other sculptures on the campus; and

WHEREAS, It is certainly much more pleasing and less assaulting to the eye than the murals in the House of Representatives and the Senate;

NOW, THEREFORE, BE IT RESOLVED, That nature's sculpture near the University of Washington stadium be dedicated for all time as a colossal example of nature at work and that it be left as a fitting monument to be seen by tens of thousands of Husky fans on Saturdays each fall; and

BE IT FURTHER RESOLVED, That other states be challenged to try and outdo us in this new art form.

Senator Metcalf speaks to the resolution.

MOTION

On motion of Senator Metcalf, and there being no objection, Senate Resolution 1987-8629 was withdrawn.

MOTION

On motion of Senator Vognild, Senate Resolution 1987-8629 was referred to the Committee on Rules.

MOTION

At 3:38 p.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Monday, March 23, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## SEVENTY-FIRST DAY

## MORNING SESSION

Senate Chamber, Olympia, Monday, March 23, 1987

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Benitz, Fleming, Hayner, Kreidler, McDonald, Peterson and Smitherman. On motion of Senator Zimmerman, Senators Benitz and Hayner were excused. On motion of Senator Vognild, Senators Fleming and Peterson were excused.

The Sergeant at Arms Color Guard, consisting of Pages Leah Durant and Jill Hollingsworth, presented the Colors. Reverend Richard Hart, senior pastor of the First Baptist Church of Olympia, offered the prayer.

## MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

## MESSAGE FROM THE HOUSE

March 20, 1987

Mr. President:

The House has passed:

HOUSE BILL NO. 10,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 47,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 164,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 210,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 283,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 321,  
 SUBSTITUTE HOUSE BILL NO. 414,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 447,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 499,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 578,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 644,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 645,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 648,  
 SECOND SUBSTITUTE HOUSE BILL NO. 684,  
 SUBSTITUTE HOUSE BILL NO. 739,  
 SUBSTITUTE HOUSE BILL NO. 755,  
 SECOND SUBSTITUTE HOUSE BILL NO. 756,  
 HOUSE BILL NO. 825,  
 ENGROSSED HOUSE BILL NO. 1021,  
 SUBSTITUTE HOUSE BILL NO. 1043,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1066,  
 ENGROSSED HOUSE BILL NO. 1124,  
 SUBSTITUTE HOUSE BILL NO. 1129,  
 SUBSTITUTE HOUSE BILL NO. 1132,  
 HOUSE BILL NO. 1137,  
 SUBSTITUTE HOUSE BILL NO. 1156,  
 SUBSTITUTE HOUSE BILL NO. 1158,  
 SUBSTITUTE HOUSE BILL NO. 1160,  
 HOUSE BILL NO. 1162,  
 SUBSTITUTE HOUSE BILL NO. 1165,  
 SUBSTITUTE HOUSE BILL NO. 1175,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1197,  
 HOUSE BILL NO. 1204,  
 HOUSE BILL NO. 1205,  
 SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4023,

SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4204,  
 SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4210,  
 ENGROSSED HOUSE JOINT RESOLUTION NO. 4220,

and the House has adopted:

SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 4403,

SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 4407,

HOUSE CONCURRENT RESOLUTION NO. 4411, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

There being no objection, the President advanced the Senate to the sixth order of business.

SECOND READING  
 CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Talmadge moved that Gubernatorial Appointment No. 9023, Ruth Beck, as a member of the Public Disclosure Commission, be confirmed.

POINT OF INQUIRY

Senator Zimmerman: "Senator Talmadge, on Ruth Beck, you said 'young American.' How young?"

Senator Talmadge: "I suspect, Senator Zimmerman, that only she will know and she is not likely to tell us."

Senator Zimmerman: "But not so young that she is not mature enough to be able to to give the good judgment necessary for the Public Disclosure Commission?"

Senator Talmadge: "Absolutely not. She's not that young."

The President declared the question before the Senate to be the motion by Senator Talmadge that the confirmation of Ruth Beck as a member of the Public Disclosure Commission be confirmed.

The motion by Senator Talmadge carried and the appointment of Ruth Beck as a member of the Public Disclosure Commission was confirmed.

APPOINTMENT OF RUTH BECK

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 42; absent, 3; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 42.

Absent: Senators Kreidler, McDonald, Smitherman - 3.

Excused: Senators Benitz, Fleming, Hayner, Peterson - 4.

MOTION

On motion of Senator Bender, Senators Kreidler and Smitherman were excused.

MOTION

On motion of Senator Warnke, Gubernatorial Appointment No. 9024, Richard E. Bangert, as a member of the Small Business Export Financial Assistance Center Board of Directors, was confirmed.

APPOINTMENT OF RICHARD E. BANGERT

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 42; absent, 1; excused, 6.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 42.

Absent: Senator Sellar - 1.

Excused: Senators Benitz, Fleming, Hayner, Kreidler, Peterson, Smitherman - 6.

## MOTION

On motion of Senator Warnke, Gubernatorial Appointment No. 9026, Joseph F. Quinn, as a member of the Public Employee Relations Commission, was confirmed.

## APPOINTMENT OF JOSEPH F. QUINN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; excused, 5.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognil, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Excused: Senators Benitz, Fleming, Hayner, Kreidler, Peterson - 5.

There being no objection, the President advanced the Senate to the eighth order of business.

## MOTION

On motion of Senator Kiskaddon, the following resolution was adopted:

## SENATE RESOLUTION 1987-8626

by Senators Kiskaddon, Moore, Bender, Rinehart, Pullen, Gaspard, Rasmussen, Zimmerman and Lee

WHEREAS, A team from Ingraham High School in Seattle has won the state Academic Decathlon Championship, demonstrating superior skills and knowledge in science, mathematics, languages, literature, economics, fine arts, social sciences, and public speaking, and demonstrating that learning can be fun; and

WHEREAS, The Ingraham High School Team has qualified to represent the state of Washington at the National Academic Decathlon to be held in Irving, Texas in April of this year; and

WHEREAS, Important cognitive and analytic skills are fostered and rewarded through organized mental sports competitions such as academic decathlons and tournaments for chess, bridge, go, and other mental sports; and

WHEREAS, The public schools of the state provide an excellent forum in which to promote these mental sports;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington recognizes and honors this achievement by Ingraham High School and team members Anne Avery, Erin Frazier, David Fong, Robert Larisch, Doug Smith, Jennifer Spain, and Bill Stam;

BE IT FURTHER RESOLVED, That the Senate of the state of Washington sends best wishes for success at the National Academic Decathlon, knowing that each team member will do his or her best; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Ingraham High School and each member of its academic decathlon team.

## APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chambers of the Ingraham High School Academic Decathlon State Champions and appointed Senators Kiskaddon, Pullen, Wojahn, Gaspard, Patterson, Bauer, Warnke, Barr and Saling to escort the honored guests to the rostrum.

The President turned the gavel over to Senator Kiskaddon who introduced the decathlon champions.

With permission of the Senate, business was suspended to permit Jennifer Spain, a member of the team, to address the Senate.

Senator Kiskaddon returned the gavel to the President and the honored guests were escorted from the Senate Chambers and the committee was discharged.

## MOTION

At 10:36 a.m., on motion of Senator Vognil, the Senate was declared to be at ease.

The Senate was called to order at 12:00 noon by President Cherberg.

There being no objection, the President reverted the Senate to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 10 by Representatives Grimm and Sayan

Revising provisions relating to transfer of service credit from the state-wide city employees' retirement system.

Referred to Committee on Ways and Means.

ESHB 47 by Committee on Ways and Means/Appropriations (originally sponsored by Representatives May, Ferguson, Haugen, Schoon, Nutley, Jacobsen and Walker)

Including persons employed as public safety officers in the LEOFF retirement system.

Referred to Committee on Ways and Means.

E2SHB 164 by Committee on Ways and Means/Appropriations (originally sponsored by Representatives Locke, Niemi, Allen, Fisch, Brekke, O'Brien, Nutley, Belcher, Wang, Jacobsen, Lux, Nelson and Dellwo)

Providing funding for the Washington housing trust fund.

Referred to Committee on Commerce and Labor.

E2SHB 210 by Committee on Ways and Means/Appropriations (originally sponsored by Representatives Rust, Sanders, Unsoeld, Miller, Jacobsen, Valle, Todd, P. King, Pruitt and Brekke)

Creating endangered species conservation act.

Referred to Committee on Parks and Ecology.

ESHB 283 by Committee on Natural Resources (originally sponsored by Representatives K. Wilson, Kremen, Haugen, S. Wilson, R. King, Basich and Holm)

Requiring unauthorized commercial fishing vessels in state waters to stow fishing gear or keep it unavailable.

Referred to Committee on Natural Resources.

E2SHB 321 by Committee on Ways and Means/Revenue (originally sponsored by Representatives Peery, Sutherland, L. Smith, Cooper, Nutley and P. King)

Authorizing excise tax deferrals on machinery, equipment, and other personal property used in the production or casting of aluminum.

Referred to Committee on Ways and Means.

SHB 414 by Committee on Environmental Affairs (originally sponsored by Representatives Pruitt, Walker, Rust, Lux, Allen, Sprengle, May, Unsoeld, Ferguson and D. Sommers)

Requiring toxic emission control plans.

Referred to Committee on Parks and Ecology.

ESHB 447 by Committee on Environmental Affairs (originally sponsored by Representatives Rust, Unsoeld, Todd and Allen) (by request of Governor Gardner)

Changing provisions relating to water quality discharge permits.

Referred to Committee on Parks and Ecology.

- ESHB 499 by Committee on Environmental Affairs (originally sponsored by Representatives Unsoeld, Allen and Rust)  
 Providing standards for the issuance or renewal of wastewater permits.  
 Referred to Committee on Parks and Ecology.
- ESHB 578 by Committee on Local Government (originally sponsored by Representatives Holm, Haugen, Belcher and Amondson)  
 Establishing dates for establishment of taxing district boundaries for levy purposes.  
 Referred to Committee on Governmental Operations.
- ESHB 644 by Committee on Environmental Affairs (originally sponsored by Representatives Rust, Allen, May, Hine, Unsoeld, Valle and Rasmussen) (by request of Puget Sound Water Quality Authority)  
 Authorizing the department of ecology to certify testing laboratories for departmental submittals.  
 Referred to Committee on Parks and Ecology.
- ESHB 645 by Committee on Environmental Affairs (originally sponsored by Representatives Pruitt, May, Miller, Hine, Rust, Unsoeld, Valle and Ferguson) (by request of Puget Sound Water Quality Authority)  
 Requiring disclosures concerning septic systems upon sale of property.  
 Referred to Committee on Parks and Ecology.
- ESHB 648 by Committee on Agriculture and Rural Development (originally sponsored by Representatives Bristow, Doty, Baugher, Rayburn, Grant, Chandler, Lewis, Jesernig, C. Smith, Sutherland, Brough, Unsoeld, Fuhrman and Todd)  
 Changing provisions relating to noxious weed control.  
 Referred to Committee on Agriculture.
- 2SHB 684 by Committee on Ways and Means/Appropriations (originally sponsored by Representatives Cooper, Holm, Patrick, Valle, Ballard, Crane, Lewis, Zellinsky, Schmidt, Haugen, Hargrove, Heavey, Bristow, Winsley, Todd, Allen, Rasmussen, Kremen, Baugher, Beck, Sanders, P. King, Moyer, Amondson, Brough, Fuhrman, L. Smith, Betzoff and Rayburn)  
 Revising provisions relating to criminal sentencing.  
 Referred to Committee on Judiciary.
- SHB 739 by Committee on Trade and Economic Development (originally sponsored by Representatives Vekich, Schoon, Wineberry and P. King) (by request of Department of Community Development)  
 Providing for the allocation of the private activity bond ceiling.  
 Referred to Committee on Commerce and Labor.
- SHB 755 by Committee on Health Care (originally sponsored by Representatives Braddock, Brooks, Niemi and P. King) (by request of Department of Corrections)  
 Revising provisions relating to community corrections.  
 Referred to Committee on Human Services and Corrections.
- 2SHB 756 by Committee on Ways and Means (originally sponsored by Representatives Niemi, Brooks, Braddock, P. King, R. King, Scott, Holm and Sutherland) (by request of Department of Corrections)  
 Establishing the community custody program.  
 Referred to Committee on Judiciary.

HB 825 by Representatives Walk and Fisher

Revising motor vehicle fund uses.

Referred to Committee on Transportation.

EHB 1021 by Representatives Wineberry, Allen, Locke, Silver, Jacobsen, Heavey, Grimm, Niemi, Holland, Appelwick, Unsoeld, Braddock, Bristow, McMullen and Winsley

Establishing the Washington state and employers' higher educational opportunities program.

Referred to Committee on Education.

SHB 1043 by Committee on Health Care (originally sponsored by Representatives Wineberry, Niemi, Lux, Braddock and Brooks)

Establishing procedures for reportable diseases.

Referred to Committee on Human Services and Corrections.

ESHB 1066 by Committee on Commerce and Labor (originally sponsored by Representatives Locke, Niemi, O'Brien, Lux and Wineberry)

Establishing a fortified wine retailer's license.

Referred to Committee on Commerce and Labor.

EHB 1124 by Representatives Day, Vekich, Schoon, McMullen, B. Williams, Jesernig, P. King, Ferguson and Holm

Revising provisions on industrial development corporations.

Referred to Committee on Commerce and Labor.

SHB 1129 by Committee on Local Government (originally sponsored by Representatives Cooper, Haugen, Spanel, Sutherland, Nealey, Hine, Madsen, Peery, Ferguson, Nutley, Rayburn, P. King and Holm)

Changing provisions relating to the investment of public funds.

Referred to Committee on Governmental Operations.

SHB 1132 by Committee on Trade and Economic Development (originally sponsored by Representatives Jesernig, Hankins, Brooks, Vekich, Baugher, Todd, Jacobsen, Unsoeld, Cantwell, Sutherland, Grant, Hine, Rasmussen, Holm, Belcher, Wineberry, Hargrove, Beck, Schoon, Braddock, Amondson, McMullen, Moyer, Rayburn, Locke, Dellwo, Ebersole, Grimm, Prince, Miller, Nealey, P. King, Basich, Ferguson and Spanel)

Providing for diversification of economy of Tri-Cities.

Referred to Committee on Commerce and Labor.

HB 1137 by Representatives Locke, Niemi and Jacobsen

Exempting low-income housing owned or operated by certain public corporations from excise tax.

Referred to Committee on Ways and Means.

SHB 1156 by Committee on Trade and Economic Development (originally sponsored by Representatives Vekich, Schoon and Cantwell)

Revising distressed area requirements in the community revitalization team program and the development loan fund program.

Referred to Committee on Commerce and Labor.

SHB 1158 by Committee on Commerce and Labor (originally sponsored by Representatives Wang, Schmidt, Zellinsky, Vekich, Fisch, J. Williams and Ferguson)

Establishing a liquor license for qualified duty free exporters to sell beer and wine to vessels for consumption outside the state of Washington.

Referred to Committee on Commerce and Labor.

SHB 1160 by Committee on Transportation (originally sponsored by Representatives Walk, Schmidt, Patrick, Prince, P. King, Doty and D. Sommers)

Implementing a pilot program to study road and maintenance project costs.

Referred to Committee on Transportation.

HB 1162 by Representatives Doty, Vekich, B. Williams, Kremen, C. Smith, Schoon, Amondson and Wineberry

Setting state guidelines regarding international trade.

Referred to Committee on Commerce and Labor.

SHB 1165 by Committee on Commerce and Labor (originally sponsored by Representatives R. King and Patrick)

Authorizing athletic events forecasting contests.

Referred to Committee on Commerce and Labor.

SHB 1175 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Baugher, Lux, Rayburn, Wineberry, Meyers, Dellwo, Sprenkle, Cooper, Walk, Madsen, Heavey, Pruitt, Nutley, Todd and Grant)

Penalizing operation of a motor vehicle without insurance.

Referred to Committee on Financial Institutions.

ESHB 1197 by Committee on Ways and Means (originally sponsored by Representatives Grimm, Holland, Ebersole, Betrozoff, Taylor, Cole, Hine, Bristow, Brough, Dellwo, Brekke, Rayburn, Wang, Jacobsen, P. King, Nelson, Todd, Unsoeld and Locke)

Revising provisions governing school capital projects.

Referred to Committee on Ways and Means.

HB 1204 by Representatives Locke, Niemi, Armstrong, Patrick, Wineberry, P. King and Holm

Establishing multiple incidents of sexual abuse as an aggravating circumstance for an exceptional sentence.

Referred to Committee on Judiciary.

HB 1205 by Representatives Grimm and P. King

Providing for the distribution of funds from the water quality account for water pollution control facilities.

Referred to Committee on Ways and Means.

SHJM 4023 by Committee on Energy and Utilities (originally sponsored by Representatives Jesernig, Hankins, Brooks, Baugher, Grant, Bristow, Nelson, Brekke, Unsoeld, Rust, Walker, Pruitt, Jacobsen, Sprenkle, Rayburn, Wineberry, Todd, B. Williams, C. Smith, Crane, Schoon, Winsley, Doty, Spanel, Silver, Hine and Holm)

Petitioning Congress to pursue the cleanup and disposal of radioactive wastes at Hanford.

Referred to Committee on Energy and Utilities.

SHJR 4204 by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Fisher, Pruitt and Fisch)

Providing for the filling of vacancies in joint legislative offices.

Referred to Committee on Governmental Operations.

SHJR 4210 by Committee on Local Government (originally sponsored by Representatives Haugen, Brough, Belcher, May, Hine, Dellwo, Ferguson, Nutley, Bristow, Cooper, Holm, L. Smith and Unsoeld)

Establishing procedures for the adoption of county home rule charters.

Referred to Committee on Governmental Operations.

EHJR 4220 by Representatives Grimm, Holland, Ebersole, Betzoff, Cole, Taylor, H. Sommers, Bristow, Hine, Rayburn, Brough, Wang, Jacobsen, Dellwo, Brekke, Nelson, Holm, Rasmussen, C. Smith, Todd, Unsoeld and Locke

Providing funds for school construction.

Referred to Committee on Education.

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.

Referred to Committee on Natural Resources.

SHCR 4407 by Committee on Natural Resources (originally sponsored by Representatives Sayan, Jacobsen, Basich, Unsoeld, Vekich, Sutherland, Fisch, Todd, Hargrove, Allen, Haugen, Appelwick, Meyers, Belcher, Locke, Fisher, Scott, Kremen, Ferguson, Sanders, Wang, Walk and S. Wilson)

Creating joint committee on marine and ocean resources.

Referred to Committee on Natural Resources.

HCR 4411 by Representatives Walk, Schmidt, Baugher, Patrick, Vekich, Meyers, Gallagher, D. Sommers, Spanel, Zellinsky, K. Wilson, Cooper, Cantwell, Prince, Day, Fisher, Dellwo, Fisch, R. King, S. Wilson, J. Williams, Todd, Sanders and Betzoff

Sponsoring a symposium on "Transportation in the Future".

Referred to Committee on Transportation.

#### MOTION

At 12:01 p.m., on motion of Senator Vognild, the Senate adjourned until 12:00 noon, Tuesday, March 24, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## SEVENTY-SECOND DAY

## NOON SESSION

Senate Chamber, Olympia, Tuesday, March 24, 1987

The Senate was called to order at 12:00 noon by President Cherberg. No roll call was taken.

The Sergeant at Arms Color Guard, consisting of Pages Floyd Sandoval, Jr. and Michelle Brown, presented the Colors. Reverend Richard Hart, senior pastor of the First Baptist Church of Olympia, offered the prayer.

## MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

## REPORTS OF STANDING COMMITTEES

March 23, 1987

HB 1 Prime Sponsor, Representative Madsen: Exempting seedlings and plantation Christmas trees from excise tax. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Cantu, Craswell, Deccio, Kreidler, Moore, Rasmussen, Rinehart, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 23, 1987

HB 3 Prime Sponsor, Representative Hine: Revising provisions relating to overpayment of retirement benefits. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Cantu, Craswell, Deccio, Kreidler, McDonald, Moore, Owen, Rasmussen, Rinehart, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 23, 1987

SHB 9 Prime Sponsor, Committee on Local Government: Authorizing public utilities to establish joint utilities. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

March 23, 1987

SHB 11 Prime Sponsor, Committee on Local Government: Authorizing emergency service communication districts. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

March 23, 1987

SHB 12 Prime Sponsor, Committee on Ways and Means/Appropriations: Authorizing grants for mediation of disputes involving natural resources. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass and refer to Committee on Ways and Means. Signed by Senators Kreidler, Chairman; Rinehart, Vice Chairman; Hansen, Kiskaddon.

Referred to Committee on Ways and Means.

March 23, 1987

SHB 63 Prime Sponsor, Committee on Local Government: Revising provisions on lake management districts. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass as amended. Signed by Senators Kreidler, Chairman; Rinehart, Vice Chairman; Hansen, Kiskaddon.

Passed to Committee on Rules for second reading.

March 23, 1987

HB 171 Prime Sponsor, Representative Sayan: Requiring governmental entities contracting to community college services to pay authorized salary increases. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Rinehart, Vice Chairman; Bailey, Bender, Patterson, Saling, Smitherman.

Passed to Committee on Rules for second reading.

March 23, 1987

HB 194 Prime Sponsor, Representative Madsen: Changing provision relating to designation of park district treasurers. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

March 23, 1987

SHB 198 Prime Sponsor, Committee on Ways and Means/Revenue: Providing for retail sales tax trust fund accountability. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Cantu, Craswell, Deccio, Kreidler, McDonald, Moore, Rasmussen, Rinehart, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 23, 1987

HB 199 Prime Sponsor, Representative Sayan: Modifying timber excise tax administrative provisions. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Cantu, Craswell, Deccio, Kreidler, McDonald, Moore, Rasmussen, Rinehart, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 23, 1987

HB 200 Prime Sponsor, Representative Madsen: Clarifying the public utility tax on sewerage collection businesses. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Cantu, Craswell, Deccio, Kreidler, McDonald, Moore, Rasmussen, Rinehart, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 23, 1987

HB 203 Prime Sponsor, Representative Madsen: Authorizing service by certified mail, return receipt requested, of notices to withhold and deliver property due or owned by a taxpayer. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Cantu, Craswell, Deccio, Kreidler, McDonald, Moore, Rasmussen, Rinehart, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 23, 1987

HB 204 Prime Sponsor, Representative Sprenkle: Clarifying the taxation of tangible personal property used both inside and outside of the state. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Cantu, Craswell, Deccio, Kreidler, McDonald, Moore, Owen, Rasmussen; Rinehart, Vognild, Warnke, Williams, Zimmerman.

Passed to Committee on Rules for second reading.

March 23, 1987

HB 205 Prime Sponsor, Representative Madsen: Transferring assessment authority for motor vehicle transportation companies to county assessors. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Cantu, Craswell, Deccio, Kreidler, McDonald, Moore, Rasmussen, Rinehart, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 23, 1987

HB 209 Prime Sponsor, Representative Appelwick: Expanding enforcement provisions on cigarette taxes. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Cantu, Craswell, Deccio, Kreidler, McDonald, Moore, Rinehart, Talmadge, Vognild, Warnke, Williams, Zimmerman.

Passed to Committee on Rules for second reading.

March 23, 1987

ESHB 217 Prime Sponsor, Committee on Judiciary: Revising various provisions affecting superior courts. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Moore, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

March 23, 1987

2SHB 257 Prime Sponsor, Committee on Ways and Means/Appropriations: Establishing a trust fund program for graduate students. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Rinehart, Vice Chairman; Bailey, Bender, Craswell, Patterson, Saling, Smitherman.

Passed to Committee on Rules for second reading.

March 23, 1987

SHB 263 Prime Sponsor, Committee on Local Government: Authorizing public loans to municipal corporations without the issuance of bonds. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

March 23, 1987

HB 282 Prime Sponsor, Representative Appelwick: Exempting purchases with food coupons from sales and use tax. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Cantu, Craswell, Deccio, Kreidler, Moore, Rasmussen, Rinehart, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 23, 1987

ESHB 296 Prime Sponsor, Committee on Local Government: Extending the local governance study commission. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, Zimmerman.

Passed to Committee on Rules for second reading.

March 23, 1987

SHB 313 Prime Sponsor, Committee on Local Government: Reducing park district commission terms to four years. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass. Signed by Senators Kreidler, Chairman, Rinehart, Vice Chairman, Hansen, Kiskaddon.

Passed to Committee on Rules for second reading.

March 23, 1987

2SHB 339 Prime Sponsor, Committee on Ways and Means/Appropriations: Establishing the Washington distinguished professorship trust fund program. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Rinehart, Vice Chairman; Bailey, Craswell, Patterson, Saling, Smitherman.

Passed to Committee on Rules for second reading.

March 23, 1987

HB 358 Prime Sponsor, Representative H. Sommers: Revising provisions relating to the state actuary and creating a joint committee on pension policy. Reported by Committee on Ways and Means.

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Cantu, Craswell, Deccio, Kreidler, McDonald, Moore, Owen, Rasmussen, Rinehart, Talmadge, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 23, 1987

HB 377 Prime Sponsor, Representative Hankins: Renaming the deferred compensation revolving fund. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Cantu, Craswell, Deccio, Kreidler, McDonald, Moore, Rasmussen, Rinehart, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 23, 1987

HB 378 Prime Sponsor, Representative Hankins: Renaming the state employees' insurance board revolving fund. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Cantu, Craswell, Deccio, Kreidler, McDonald, Moore, Rasmussen, Rinehart, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 23, 1987

SHB 492 Prime Sponsor, Committee on Higher Education: Continuing the authority to permit installment payments of tuition and fees. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Rinehart, Vice Chairman; Bailey, Craswell, Patterson; Saling, Smitherman.

Passed to Committee on Rules for second reading.

March 23, 1987

HB 549 Prime Sponsor, Representative Belcher: Authorizing a deputy executive secretary of the Washington centennial commission. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, Zimmerman.

Passed to Committee on Rules for second reading.

March 23, 1987

HB 551 Prime Sponsor, Representative Spanel: Revising the use of proceeds from the sale or lease of aquatic lands. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Owen, Chairman; DeJarnatt, Vice Chairman; Barr, Conner, Metcalf, Stratton.

Referred to Committee on Ways and Means.

March 23, 1987

HB 663 Prime Sponsor, Representative Dellwo: Making breath alcohol testing laws consistent. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Moore, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

March 23, 1987

HEB 678 Prime Sponsor, Representative Pruitt: Revising provisions relating to the right-to-know advisory council. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass. Signed by Senators Kreidler, Chairman; Rinehart, Vice Chairman; Hansen, Kiskaddon.

Passed to Committee on Rules for second reading.

March 23, 1987

HB 795 Prime Sponsor, Representative Meyers: Authorizing retired authorized persons to solemnize marriages. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Moore, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

March 23, 1987

HB 1180 Prime Sponsor, Representative Brough: Providing residency for certain students who attended Washington high schools and enroll in a public institution of higher education within six months. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Rinehart, Vice Chairman; Bailey, Craswell, Patterson, Saling, Smitherman.

Passed to Committee on Rules for second reading.

March 23, 1987

HB 1199 Prime Sponsor, Representative P. King: Designating appropriate individuals to receive service of process. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Moore, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

#### GUBERNATORIAL APPOINTMENTS

March 23, 1987

GA 9025 LUCILLE M. CARLSON, appointed March 3, 1986, for a term ending March 1, 1991, as a member of the Tax Appeals Board, succeeding John D. Jones.

Reported by Committee on Ways and Means

MAJORITY recommendation: That said appointment be confirmed Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Cantu, Craswell, Deccio, Kreidler, McDonald, Moore, Rasmussen, Rinehart, Talmadge, Vognild, Warnke, Williams, Zimmerman

Passed to Committee on Rules.

March 23, 1987

GA 9069 GARY MOORE, appointed November 6, 1986, for a term ending December 31, 1987, as a member of the State Investment Board.

Reported by Committee on Ways and Means

MAJORITY recommendation: That said appointment be confirmed Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Cantu, Craswell, Deccio, Kreidler, McDonald, Moore, Rasmussen, Rinehart, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman

Passed to Committee on Rules.

#### MOTIONS

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Vognild, the Committee on Commerce and Labor was relieved of further consideration of Engrossed Substitute House Bill No. 249.

On motion of Senator Vognild, Engrossed Substitute House Bill No. 249 was referred to the Committee on Governmental Operations.

#### MOTION

At 12:07 p.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Wednesday, March 25, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## SEVENTY-THIRD DAY

## MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 25, 1987

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bluechel, Gaspard, Kreidler, Nelson and Sellar. On motion of Senator Bender, Senator Gaspard was excused. On motion of Senator Zimmerman, Senator Sellar was excused.

The Sergeant at Arms Color Guard, consisting of Pages Jason Betts and Jeff Maudsley, presented the Colors. Reverend Peter Mans, pastor of the Christian Reformed Church of Olympia, offered the prayer.

## MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

## REPORTS OF STANDING COMMITTEES

March 24, 1987

HB 31 Prime Sponsor, Representative Lux: Requiring insurers to file their annual statement convention blank. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; McDermott, Metcalf, von Reichbauer.

Passed to Committee on Rules for second reading.

March 24, 1987

HB 51 Prime Sponsor, Representative Lux: Authorizing the continuation of the Washington Essential Property Insurance Inspection and Placement Program. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Fleming, McDermott, Metcalf, von Reichbauer.

Passed to Committee on Rules for second reading.

March 24, 1987

SHB 60 Prime Sponsor, Committee on Natural Resources: Establishing processor liens for commercial fishermen. Reported by Committee on Natural Resources

MAJORITY recommendation: Do Pass. Signed by Senators Owen, Chairman; DeJarnatt, Vice Chairman; Barr, Conner, Craswell, McDonald, Metcalf, Patterson, Peterson, Rasmussen, Stratton.

Passed to Committee on Rules for second reading.

March 24, 1987

HB 64 Prime Sponsor, Representative Lux: Exempting certain surety bonds from requirements for cancellation or nonrenewal of insurance policies. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Fleming, Metcalf, von Reichbauer.

Passed to Committee on Rules for second reading.

March 24, 1987

SHB 170 Prime Sponsor, Committee on Natural Resources: Permitting violation of rules governing the state's natural resources to be infractions. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; DeJarnatt, Vice Chairman; Craswell, McDonald, Metcalf, Patterson, Peterson, Rasmussen, Stratton.

Passed to Committee on Rules for second reading.

March 24, 1987

SHB 232 Prime Sponsor, Committee on Agriculture and Rural Development: Prohibiting the relinquishment of water rights attached to lands enrolled in certain federal conservation reserve programs. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Bauer, Vice Chairman; Anderson, Bailey, Barr, Gaspard.

Passed to Committee on Rules for second reading.

March 24, 1987

EHB 326 Prime Sponsor, Representative Grant: Requiring two and one-half percent of the department of ecology's appropriation from the water quality account to be transferred to the state conservation commission. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Bauer, Vice Chairman; Anderson, Bailey, Barr, Gaspard.

Passed to Committee on Rules for second reading.

March 24, 1987

SHB 329 Prime Sponsor, Committee on Agriculture and Rural Development: Enlarging the membership of the state conservation commission. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Bauer, Vice Chairman; Anderson, Bailey, Barr, Gaspard.

Passed to Committee on Rules for second reading.

March 24, 1987

SHB 385 Prime Sponsor, Committee on Energy and Utilities: Establishing procedures for designating ports of entry for radioactive waste. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Williams, Chairman; Owen, Vice Chairman; Smitherman, Stratton.

Passed to Committee on Rules for second reading.

March 24, 1987

SHB 388 Prime Sponsor, Committee on Environmental Affairs: Changing provisions relating to wastewater treatment facilities. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass. Signed by Senators Kreidler, Chairman; Rinehart, Vice Chairman; Bluechel, Hansen, Kiskaddon.

Passed to Committee on Rules for second reading.

March 24, 1987

SHB 425 Prime Sponsor, Committee on Energy and Utilities: Revising provisions on district heating systems. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Williams, Chairman; Owen, Vice Chairman; Benitz, Cantu, Nelson, Smitherman, Stratton.

Passed to Committee on Rules for second reading.

March 24, 1987

2SHB 426 Prime Sponsor, Committee on Ways and Means/Appropriations: Establishing Columbia River Gorge interstate compact. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Owen, Chairman; DeJarnatt, Vice Chairman; Barr, Conner, McDonald, Peterson, Stratton.

Referred to Committee on Ways and Means.

March 24, 1987

HB 474 Prime Sponsor, Representative R. King: Revising provisions on liquor licenses. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Lee, Sellar, Tanner, Vognil, West, Williams.

Passed to Committee on Rules for second reading.

March 24, 1987

SHB 522 Prime Sponsor, Committee on Natural Resources: Modifying purposes for which state land may be exchanged. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; DeJarnatt, Vice Chairman; Barr, Conner, McDonald, Patterson, Peterson, Rasmussen, Stratton.

Passed to Committee on Rules for second reading.

March 24, 1987

SHB 523 Prime Sponsor, Committee on Environmental Affairs: Providing for the financing of pollution control facilities. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass as amended. Signed by Senators Kreidler, Chairman; Bluechel, Kiskaddon.

Passed to Committee on Rules for second reading.

March 24, 1987

HB 658 Prime Sponsor, Representative Appelwick: Prescribing a nonnotarized filing form for precinct committeeman. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Moore, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

March 24, 1987

SHB 773 Prime Sponsor, Committee on Constitution, Elections and Ethics: Allowing county auditors to investigate and cancel invalid voter registration. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

March 24, 1987

HB 843 Prime Sponsor, Representative Armstrong: Changing provisions relating to the collection of charges for the radiation perpetual maintenance fund. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Williams, Chairman; Owen, Vice Chairman; Benitz, Cantu, Nelson, Smitherman.

Passed to Committee on Rules for second reading.

March 24, 1987

HB 992 Prime Sponsor, Representative Todd: Changing provisions relating to termination of utility service. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Williams, Chairman; Owen, Vice Chairman; Benitz, Cantu, Nelson, Smitherman, Stratton.

Passed to Committee on Rules for second reading.

#### GUBERNATORIAL APPOINTMENT

March 24, 1987

GA 9072 BRUCE A. WILSON, appointed January 1, 1987, for a term ending December 31, 1991, as a member of the Public Disclosure Commission. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Moore, Nelson, Newhouse

Passed to Committee on Rules.

#### INTRODUCTION AND FIRST READING

SB 6070 by Senator Williams

AN ACT Relating to excise taxation; amending RCW 82.04.4281, 82.04.300, 82.04.390, and 82.04.460; adding new sections to chapter 82.04 RCW; adding a new section to chapter 82.32 RCW; repealing RCW 82.04.4292; and providing an effective date.

Referred to Committee on Ways and Means.

SB 6071 by Senator Talmadge

AN ACT Relating to conforming the state statute on daylight savings time with the federal statute; amending RCW 1.20.051; and declaring an emergency.

Referred to Committee on Governmental Operations.

There being no objection, the President advanced the Senate to the sixth order of business.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

##### MOTION

On motion of Senator Smitherman, Gubernatorial Appointment No. 9048, Evelyn Y. Sun, as Director of the Washington State Lottery, was confirmed.

##### APPOINTMENT OF EVELYN Y. SUN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent, 3; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Absent: Senators Bluechel, Kreidler, Nelson - 3.

Excused: Senators Gaspard, Sellar - 2.

##### MOTION

On motion of Senator Halsan, Gubernatorial Appointment No. 9049, Mary G. Faulk, as Director of the Department of General Administration, was confirmed.

##### APPOINTMENT OF MARY G. FAULK

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Smitherman, Stratton,

Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Rinehart - 1.

Excused: Senator Sellar - 1.

#### SECOND READING

HOUSE BILL NO. 1, by Representatives Madsen, Miller, Grimm, Sayan, Vekich, Rasmussen, Padden, Taylor, Jacobsen, Haugen and P. King

Exempting seedlings and plantation Christmas trees from excise tax.

The bill was read the second time.

#### MOTION

On motion of Senator McDermott, the rules were suspended, House Bill No. 1 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Sellar - 1.

HOUSE BILL NO. 1, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 9, by Committee on Local Government (originally sponsored by Representatives Haugen, L. Smith, S. Wilson and P. King)

Authorizing public utilities to establish joint utilities.

The bill was read the second time.

#### MOTION

On motion of Senator Halsan, the rules were suspended, Substitute House Bill No. 9 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 9.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 9 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Sellar - 1.

SUBSTITUTE HOUSE BILL NO. 9, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 10:28 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 11:28 a.m. by President Cherberg.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 11, by Committee on Local Government (originally sponsored by Representatives Haugen, Madsen, Sayan and S. Wilson)

Authorizing emergency service communication districts.

The bill was read the second time.

#### MOTION

On motion of Senator Halsan, the rules were suspended, Substitute House Bill No. 11 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 11.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 11 and the bill passed the Senate by the following vote: Yeas, 45; absent, 3; excused, 1.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Barr, Hayner, McDermott - 3.

Excused: Senator Sellar - 1.

SUBSTITUTE HOUSE BILL NO. 11, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5456, by Senators Peterson, Bailey, Vognild, Johnson, Bender, Craswell and Hansen (by request of Governor Gardner)

Adopting the supplemental transportation budget.

#### MOTIONS

On motion of Senator Bender, Substitute Senate Bill No. 5456 was substituted for Senate Bill No. 5456 and the substitute bill was placed on second reading and read the second time.

Senator Patterson moved that the following amendment be adopted:

On page 2, line 14, before "Fund" strike "Motor Vehicle" and insert "General"

Debate ensued.

#### PARLIAMENTARY INQUIRY

Senator Lee: "Mr. President, a parliamentary inquiry. I have an amendment which is probably, actually an amendment to Senator Patterson's amendment because it adds the words, 'motor vehicle excise tax'--the portion of the general fund state. Should I move that at this time?"

#### MOTION

Senator Lee moved that the following amendment to the amendment be adopted:

On line 2 of the amendment by Senator Patterson, strike "General" and insert "Motor Vehicle Excise Tax - General"

\* Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Lee to the amendment by Senator Patterson.

The motion by Senator Lee failed and the amendment to the amendment was not adopted on a rising vote.

The President declared the question before the Senate to be adoption of the amendment by Senator Patterson on page 2, line 14.

Debate ensued.

Senator Patterson demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Patterson.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Patterson failed and the amendment was not adopted by the following vote: Yeas, 22; nays, 26; excused, 1.

Voting yea: Senators Anderson, Barr, Benitz, Deccio, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Newhouse, Patterson, Pullen, Rinehart, Saling, Stratton, Talmadge, von Reichbauer, Williams, Zimmerman - 22.

Voting nay: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kiskaddon, Moore, Nelson, Owen, Peterson, Rasmussen, Smitherman, Tanner, Vognlid, Warnke, West, Wojahn - 26.

Excused: Senator Sellar - 1.

#### MOTION

Senator McDermott moved that the following amendment be adopted:

On page 2, line 35, after "(4)" insert "The appropriations in this section are contingent upon the following conditions being met: (a) The city of Everett commits \$3.75 million for the construction and upgrade of access roads to the Navy base; (b) the port of Everett commits \$6 million for the construction and upgrade of access roads and bridges to the Navy base; and (c) Snohomish county commits \$1.4 million for the construction and upgrade of access roads to the Navy base.

(5)\*

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator McDermott.

The motion by Senator McDermott failed and the amendment was not adopted.

#### MOTION

On motion of Senator Bender, the rules were suspended, Substitute Senate Bill No. 5456 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Patterson: "Senator Bender, it's been discussed here on the floor today the unknowns involved in this project which concern me a great deal, particularly when it comes to the number of transportation dollars that may be going in to this project and since we are now setting a precedent that all the transportation needs that are going to be generated by the home port will come out of transportation dollars, I would just like to know whether or not you feel that you are in a position to support, probably, some forty millions of dollars out of transportation to accommodate the home port?"

Senator Bender: "Well, first of all, Senator Patterson, I am not sure that the forty million dollar figure is correct. Until we get that management study, it's difficult to predict what that cost will be, whether it will be twenty million, thirty million, forty million, or whatever. As far as the whole issue of the transportation budget and so forth, as you well know, after the next biennium, we are going to have some real problems with the whole Cat C program. This 3.5 million dollars won't make any impact upon that issue, as you well know, because there are so many needs out there in terms of Category C that we will probably have to look, at some time in the future, some type of revenue increase for the transportation program. As far as a commitment in the future, I think there is no question that we are going to have to provide some more dollars for the transportation needs for the whatever--home port issue."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5456.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5456 and the bill passed the Senate by the following vote: Yeas, 35; nays, 13; excused, 1.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Nelson, Newhouse, Owen, Peterson, Rasmussen, Saling, Smitherman, Stratton, Tanner, Vognild, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 35.

Voting nay: Senators Barr, Benitz, Conner, Garrett, Kreidler, McDermott, Metcalf, Moore, Patterson, Pullen, Rinehart, Talmadge, Williams - 13.

Excused: Senator Sellar - 1.

SUBSTITUTE SENATE BILL NO. 5456, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTIONS

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Vognild, the following bills on the second reading calendar were referred to the Committee on Rules:

SENATE BILL NO. 5353,

SENATE BILL NO. 5451,

SENATE BILL NO. 5476,

SENATE BILL NO. 5497,

SENATE BILL NO. 5507,

SENATE BILL NO. 5603,

SENATE BILL NO. 5638,

SENATE BILL NO. 5649,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5710,

SENATE BILL NO. 5733,

SENATE BILL NO. 5754,

SENATE BILL NO. 5848,

SENATE BILL NO. 5945,

SENATE BILL NO. 5957,

SENATE BILL NO. 6042.

On motion of Senator Vognild, the following bills on the third reading calendar were referred to the Committee on Rules:

SUBSTITUTE SENATE BILL NO. 6062,

SENATE JOINT RESOLUTION NO. 8210.

There being no objection, the President returned the Senate to the first order of business.

## REPORTS OF STANDING COMMITTEES

March 23, 1987

SCR 8412 Prime Sponsor, Senator Talmadge: Establishing a joint select investigative committee on the state convention and trade center. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Concurrent Resolution No. 8412 be substituted therefor, and the substitute concurrent resolution do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Kreidler, Moore, Owen, Rasmussen, Rinehart, Talmadge, Vognild, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 24, 1987

HB 261 Prime Sponsor, Representative Walk: Revising state centennial license plate act. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Tanner, Vice Chairman; Bailey, Barr, Bender, DeJarnatt, Garrett, Halsan, Johnson, Nelson, Patterson, Sellar, von Reichbauer.

Passed to Committee on Rules for second reading.

March 24, 1987

HB 280 Prime Sponsor, Representative Heavey: Changing provisions relating to the suspension of a driver's license for failure to report an accident. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Tanner, Vice Chairman; Bailey, Barr, Bender, DeJarnatt, Garrett, Halsan, Johnson, Nelson, Patterson, Sellar.

Passed to Committee on Rules for second reading.

March 24, 1987

HB 279 Prime Sponsor, Representative Gallagher: Extending the time required for filing a security deposit under the financial responsibility provisions of the motor vehicle code. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Tanner, Vice Chairman; Bailey, Barr, Bender, DeJarnatt, Garrett, Halsan, Johnson, Nelson, Patterson, Sellar, von Reichbauer.

Passed to Committee on Rules for second reading.

March 24, 1987

HB 292 Prime Sponsor, Representative Meyers: Authorizing distinguishing features for driver's licenses of persons under twenty-one years of age. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Tanner, Vice Chairman; Bailey, Barr, Bender, DeJarnatt, Garrett, Halsan, Johnson, Nelson, Patterson, Sellar.

Passed to Committee on Rules for second reading.

#### MOTION

At 12:23 p.m., on motion of Senator Vognild, the Senate adjourned until 12:00 noon, Thursday, March 26, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## SEVENTY-FOURTH DAY

## NOON SESSION

Senate Chamber, Olympia, Thursday, March 26, 1987

The Senate was called to order at 12:00 noon by President Cherberg. No roll call was taken.

The Sergeant at Arms Color Guard, consisting of Pages Bradley Gunderson and Carol McAllister, presented the Colors. Reverend Richard Johnson, chaplain of the Swedish Hospital Medical Center of Seattle, and a guest of Senator Eleanor Lee, offered the prayer.

## MOTION

On motion of Senator Vognil, the reading of the journal of the previous day was dispensed with and it was approved.

## REPORTS OF STANDING COMMITTEES

March 23, 1987

SCR 8413 Prime Sponsor, Senator Metcalf: Establishing the joint select committee on labor-management relations. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Tanner, Vognil, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 24, 1987

SHB 22 Prime Sponsor, Committee on Constitution, Elections and Ethics: Revising voter registration periods. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, Talmadge.

MINORITY recommendation: Do not pass. Signed by Senators Pullen, Zimmerman.

Passed to Committee on Rules for second reading.

March 25, 1987

ESHB 95 Prime Sponsor, Committee on Commerce and Labor: Requiring contractors providing newly constructed facilities for occupation by state agencies to pay prevailing wage for facility construction. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Tanner, Vognil, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 24, 1987

SHB 124 Prime Sponsor, Committee on Constitution, Elections and Ethics: Standardizing ballot order rotation of all candidates. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

March 25, 1987

EHB 125 Prime Sponsor, Representative R. King: Permitting the game commission to designate times and places for fishing without a license. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Owen, Chairman; DeJarnatt, Vice Chairman; Barr, Conner, Craswell, McDonald, Metcalf, Stratton.

Passed to Committee on Rules for second reading.

March 25, 1987

HB 136 Prime Sponsor, Representative Spanel: Providing more flexibility in game commission meeting dates. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; DeJarnatt, Vice Chairman; Barr, Conner, Craswell, Metcalf, Stratton.

Passed to Committee on Rules for second reading.

March 25, 1987

HB 148 Prime Sponsor, Representative R. King: Implementing the uniform business identification system among state agencies. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Tanner, Vognild, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 25, 1987

HB 187 Prime Sponsor, Representative McMullen: Changing provisions relating to introduction of evidence in appeals of orders of the department of labor and industries which allege fraud. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Lee, Tanner, Vognild, West, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 25, 1987

HB 220 Prime Sponsor, Representative R. King: Extending collective bargaining provisions to printers at the University of Washington. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Tanner, Vognild, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 25, 1987

SHB 226 Prime Sponsor, Committee on Commerce and Labor: Authorizing collective bargaining for judicial employees. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Tanner, Vognild, West, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 24, 1987

EHB 254 Prime Sponsor, Representative Walk: Imposing a penalty fee for the renewal of drivers' licenses that have expired. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Tanner, Vice Chairman; Bailey, Barr, Bender, DeJarnatt, Garrett, Halsan, Johnson, Nelson, Patterson, Sellar, von Reichbauer.

Passed to Committee on Rules for second reading.

March 24, 1987

HB 255 Prime Sponsor, Representative Cooper: Permitting waiver of penalty assessments for late transfer of vehicle ownership. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Tanner, Vice Chairman; Bailey, Barr, Bender, DeJarnatt, Garrett, Halsan, Johnson, Nelson, Patterson, Sellar, von Reichbauer.

Passed to Committee on Rules for second reading.

March 24, 1987

HB 277 Prime Sponsor, Representative Gallagher: Extending the time permitted for providing the department of licensing proof of financial responsibility. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Tanner, Vice Chairman; Bailey, Barr, Bender, DeJarnatt, Garrett, Halsan, Johnson, Nelson, Patterson, Sellar.

Passed to Committee on Rules for second reading.

March 24, 1987

SHB 325 Prime Sponsor, Committee on Education: Providing for curriculum based assessment for bilingual education programs and programs for those with learning disabilities. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Craswell, Patterson, Saling, Smitherman, Warnke.

Passed to Committee on Rules for second reading.

March 25, 1987

HB 399 Prime Sponsor, Representative Wang: Revising provisions relating to industrial insurance premiums. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Lee, Tanner, Vognild, West, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 25, 1987

SHB 400 Prime Sponsor, Committee on Commerce and Labor: Changing rates for industrial insurance disability benefits. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Tanner, Vognild, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 25, 1987

HB 410 Prime Sponsor, Representative Rasmussen: Creating the state clearinghouse for educational information revolving fund. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Bailey, Bender, Benitz, Saling, Smitherman.

Passed to Committee on Rules for second reading.

March 25, 1987

SHB 430 Prime Sponsor, Committee on Trade and Economic Development: Authorizing creation of employee cooperatives. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Lee, Tanner, Vognild, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 25, 1987

EHB 435 Prime Sponsor, Representative Hankins: Revising provisions on inactive real estate licenses. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do Pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Lee, Tanner, Vognild, West.

Passed to Committee on Rules for second reading.

March 24, 1987

SHB 450 Prime Sponsor, Committee on State Government: Revising and reorganizing laws pertaining to the cemetery board. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Talmadge.

Passed to Committee on Rules for second reading.

March 24, 1987

HB 545 Prime Sponsor, Representative Ferguson: Correcting the double amendment to RCW 35.92.070. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

March 25, 1987

SHB 614 Prime Sponsor, Committee on Constitution, Elections and Ethics: Revising laws on absentee voters. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Bottiger, McCaslin, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

March 24, 1987

HB 671 Prime Sponsor, Representative Madsen: Revising provisions on the placement of new construction on the assessment rolls. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

March 25, 1987

HB 753 Prime Sponsor, Representative Locke: Classifying criminal mistreatment for sentencing purposes. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Bottiger, McCaslin, Moore, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

March 24, 1987

SHB 805 Prime Sponsor, Committee on Education: Limiting the availability of state matching funds for school plant construction under certain circumstances. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bailey, Bender, Craswell, Patterson, Saling, Smitherman, Warnke.

Passed to Committee on Rules for second reading.

March 25, 1987

HB 827 Prime Sponsor, Representative Holland: Requiring school districts to solicit competitive bids or proposals when contracting for pupil transportation services. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Saling, Smitherman.

Passed to Committee on Rules for second reading.

March 25, 1987

HB 1049 Prime Sponsor, Representative Heavey: Authorizing either breath or blood tests for alcoholic content. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Bottiger, McCaslin, Moore, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

#### MOTIONS

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Vognild, the Committee on Commerce and Labor was relieved of further consideration of Engrossed House Bill No. 1093.

On motion of Senator Vognild, Engrossed House Bill No. 1093 was referred to the Committee on Financial Institutions.

#### INTRODUCTION OF SPECIAL GUESTS

The President introduced the Bainbridge Island Girls' State AA Champion basketball team, seated in the gallery.

#### MOTION

At 12:09 p.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Friday, March 27, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## SEVENTY-FIFTH DAY

## MORNING SESSION

Senate Chamber, Olympia, Friday, March 27, 1987

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, McDermott, Moore, Peterson and Tanner. On motion of Senator Bender, Senators McDermott and Peterson were excused.

The Sergeant at Arms Color Guard, consisting of Pages Geoff Morse and Shawn McManus, presented the Colors. Reverend Tim Dolan, pastor of the Westminster Presbyterian Church of Olympia, offered the prayer.

## MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

## REPORTS OF STANDING COMMITTEES

March 25, 1987

SB 6020 Prime Sponsor, Senator Peterson: Relating to transportation. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6020 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Tanner, Vice Chairman; Bailey, Barr, Bender, Conner, DeJarnatt, Garrett, Halsan, Johnson, Nelson, Patterson, Sellar, Smitherman, von Reichbauer.

Hold.

March 25, 1987

ESHB 25 Prime Sponsor, Committee on State Government: Revising provisions for state publications. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

March 25, 1987

ESHB 26 Prime Sponsor, Committee on Commerce and Labor: Changing provisions relating to the lottery. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Tanner, Vognild, West, Wojahn.

Passed to Committee on Rules for second reading.

March 25, 1987

EHB 141 Prime Sponsor, Representative Brekke: Providing procedures for disclosing information about adoptions. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Johnson, Kiskaddon, Kreidler, Tanner.

Passed to Committee on Rules for second reading.

March 25, 1987

SHB 154 Prime Sponsor, Committee on Transportation: Designating hazardous materials coordinating agencies. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Tanner, Vice Chairman; Bailey, Barr, Bender, Conner, DeJarnatt, Garrett, Halsan, Johnson, Nelson, Patterson, Sellar, Smitherman, von Reichbauer, West.

Passed to Committee on Rules for second reading.

March 26, 1987

HB 173 Prime Sponsor, Representative Sayan: Revising provisions relating to apprenticeship programs. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Anderson, Cantu, Sellar, Tanner, Vognild, West, Williams.

Passed to Committee on Rules for second reading.

March 25, 1987

E2SHB 196 Prime Sponsor, Committee on Transportation: Revising laws against driving without a license. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Bottiger, McCaslin, Moore, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

March 26, 1987

SHB 238 Prime Sponsor, Committee on Local Government: Revising provisions on solid waste management. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass as amended. Signed by Senators Kreidler, Chairman; Rinehart, Vice Chairman; Bluechel, Hansen, Kiskaddon.

Passed to Committee on Rules for second reading.

March 25, 1987

SHB 347 Prime Sponsor, Committee on Transportation: Modifying payment provisions on motor vehicle and special fuel taxes. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Tanner, Vice Chairman; Bender, Conner, DeJarnatt, Garrett, Halsan, Johnson, Nelson, Smitherman.

Passed to Committee on Rules for second reading.

March 25, 1987

HB 352 Prime Sponsor, Representative Cantwell: Modifying provisions relating to priority programming for highways. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Tanner, Vice Chairman; Bailey, Barr, Bender, Conner, DeJarnatt, Garrett, Halsan, Johnson, Nelson, Patterson, Sellar, Smitherman, von Reichbauer, West.

Passed to Committee on Rules for second reading.

March 26, 1987

SHB 393 Prime Sponsor, Committee on Judiciary: Changing provisions relating to limited partnerships. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Bottiger, McCaslin, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

March 25, 1987

EHB 403 Prime Sponsor, Representative Walk: Transferring responsibility for aircraft registration and excise tax collection to the department of transportation. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Tanner, Vice Chairman; Bailey, Bender, Conner, DeJarnatt, Garrett, Halsan, Johnson, Nelson, Patterson, Sellar, Smitherman, von Reichbauer, West.

Passed to Committee on Rules for second reading.

March 25, 1987

SHB 440 Prime Sponsor, Committee on Ways and Means/Appropriations: Revising provisions relating to retirement of elected officials of cities and towns. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Cantu, Fleming, Hayner, Kreidler, McDonald, Moore, Owen, Rasmussen, Rinehart, Saling, Talmadge, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 25, 1987

ESHB 498 Prime Sponsor, Committee on Commerce and Labor: Changing provisions relating to collective bargaining for fire fighters and emergency medical personnel. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Tanner, Vognild, Williams, Wojahn.

MINORITY recommendation: Do not pass. Signed by Senators Anderson, Cantu, Lee.

Passed to Committee on Rules for second reading.

March 25, 1987

EHB 520 Prime Sponsor, Representative Wang: Revising provisions regulating nonprofit corporations. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Bottiger, McCaslin, Moore, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

March 26, 1987

SHB 550 Prime Sponsor, Committee on Natural Resources: Transferring lands from department of natural resources to the parks and recreation commission. Reported by Committee on Natural Resources

MAJORITY recommendation: Referred to Committee on Ways and Means without recommendation. Signed by Senators Owen, Chairman; DeJarnatt, Vice Chairman; Barr, Conner, Craswell, McDonald, Metcalf, Patterson, Stratton.

Referred to Committee on Ways and Means.

March 26, 1987

ESHB 571 Prime Sponsor, Committee on Environmental Affairs: Permitting municipalities to discharge from municipal water treatment plants if the intake is from the same body of water as the discharge and water quality standards remain high. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass. Signed by Senators Kreidler, Chairman; Bluechel, Hansen, Kiskaddon.

Passed to Committee on Rules for second reading.

March 25, 1987

SHB 657 Prime Sponsor, Committee on Constitution, Elections and Ethics: Prohibiting false political advertising. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Talmadge.

Passed to Committee on Rules for second reading.

March 25, 1987

SHB 669 Prime Sponsor, Committee on Local Government: Authorizing law enforcement agencies to donate unclaimed bicycles to charitable organizations. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Pullen, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

March 25, 1987

HB 699 Prime Sponsor, Representative Brooks: Providing limited licenses to practice medicine to visiting teachers, researchers, or fellowship holders. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Wojahn, Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Tanner.

Passed to Committee on Rules for second reading.

March 26, 1987

HB 707 Prime Sponsor, Representative Sayan: Increasing the goals and duties of the Washington conservation corps. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass as amended. Signed by Senators Kreidler, Chairman; Rinehart, Vice Chairman; Bluechel, Hansen, Kiskaddon.

Passed to Committee on Rules for second reading.

March 25, 1987

SHB 750 Prime Sponsor, Committee on Commerce and Labor: Changing provisions relating to farm contractors' security bonds. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Lee, Tanner, Vognild, West, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 25, 1987

HB 770 Prime Sponsor, Representative Ebersole: Changing common school curriculum requirements to include science with an emphasis on the environment. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Bailey, Bender, Benitz, Saling, Smitherman.

Passed to Committee on Rules for second reading.

March 25, 1987

SHB 942 Prime Sponsor, Committee on Health Care: Including a physician's assistant on the state board of medical examiners. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Tanner.

Passed to Committee on Rules for second reading.

March 26, 1987

SHB 984 Prime Sponsor, Committee on Commerce and Labor: Authorizing satellite extensions of licensed facilities for parimutuel wagering. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Lee, Sellar, Vognild, West, Williams.

Passed to Committee on Rules for second reading.

## MOTION

On motion of Senator Vognild, the rules were suspended, Senate Bill No. 6020 was advanced to second reading and placed on the second reading calendar.

## MESSAGE FROM THE GOVERNOR

March 26, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:

I have the honor to advise you that on March 26, 1987, Governor Gardner approved the following Senate Bill entitled:

Senate Bill No. 5685

Relating to the Washington state apple advertising commission.

Sincerely,

TERRY SEBRING, Legal Counsel to the Governor

There being no objection, the President advanced the Senate to the sixth order of business.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

## MOTION

On motion of Senator Halsan, Gubernatorial Appointment No. 9084, Richard C. Kelley, as a member of the State Personnel Board, was confirmed.

## APPOINTMENT OF RICHARD C. KELLEY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent, 3; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Absent: Senators Bauer, Moore, Tanner - 3.

Excused: Senators McDermott, Peterson - 2.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 98, by Committee on Judiciary (originally sponsored by Representatives Niemi, Padden, Crane and Dellwo) (by request of Washington State Military Department)

Revising state liability for injuries or damages resulting from national guard activities.

The bill was read the second time.

## MOTION

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 98 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 98.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 98 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Decchio, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Lee - 1.

Excused: Senators Garrett, McDermott - 2.

SUBSTITUTE HOUSE BILL NO. 98, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## STATEMENT FOR THE JOURNAL

Re: SUBSTITUTE HOUSE BILL NO. 98

The bill is intended to address the liability of the Military Department if sued by state or federal employees of the Department for on-the-job injuries. On-the-job injuries are covered by state and federal workman compensation programs and that the Military Department cannot be sued by employees for such injuries.

SENATOR PHIL TALMADGE, 34th District  
SENATOR PETER von REICHBAUER, 30th District

## SECOND READING

HOUSE BILL NO. 204, by Representatives Sprengle, Taylor, Sayan and Holland (by request of Department of Revenue)

Clarifying the taxation of tangible personal property used both inside and outside of the state.

The bill was read the second time.

## MOTION

On motion of Senator Vognild, the rules were suspended, House Bill No. 204 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 204.

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 204 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Decchio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator McDermott - 1.

HOUSE BILL NO. 204, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Zimmerman, Senators Anderson, Craswell, Hayner and Lee were excused.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 263, by Committee on Local Government (originally sponsored by Representatives Haugen, Prince, Hine, L. Smith and P. King) (by request of Department of Community Development)

Authorizing public loans to municipal corporations without the issuance of bonds.

The bill was read the second time.

## MOTION

On motion of Senator Vognild, the rules were suspended, Substitute House Bill No. 263 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 263.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 263 and the bill passed the Senate by the following vote: Yeas, 43; absent, 1; excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 43.

Absent: Senator Moore - 1.

Excused: Senators Anderson, Craswell, Hayner, Lee, McDermott - 5.

SUBSTITUTE HOUSE BILL NO. 263, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 282, by Representatives Appelwick and R. King (by request of Department of Revenue)

Exempting purchases with food coupons from sales and use tax.

The bill was read the second time.

## MOTION

On motion of Senator Vognild, the rules were suspended, House Bill No. 282 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 282.

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 282 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Craswell - 1.

HOUSE BILL NO. 282, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 295, by Representatives Heavey, Padden and Armstrong (by request of Department of Licensing)

Revising findings required under the Implied Consent Law.

The bill was read the second time.

## MOTION

On motion of Senator Talmadge, the rules were suspended, House Bill No. 295 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 295.

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 295 and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sailing, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Voting nay: Senator Hansen - 1.

HOUSE BILL NO. 295, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 296, by Committee on Local Government (originally sponsored by Representatives Haugen, Brough, Cooper, P. King and Hine)

Extending the local governance study commission.

The bill was read the second time.

## MOTION

On motion of Senator Vognild, the rules were suspended, Engrossed Substitute House Bill No. 296 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Zimmerman, you held up a blue book over there. What did it have to do with this? Is this what they produced?"

Senator Zimmerman: "This is one of the parts that this Commission has produced. This book is a history of Washington local governments that started from territorial days up to the present time dealing with the variety of ways that the state developed in terms of taxes, in terms of the Populist era, the public power--a whole group. It's a very fascinating history."

Senator Rasmussen: "Did they only produce one book?"

Senator Zimmerman: "No, they have several books."

Senator Rasmussen: "The reason I am asking is the Water Quality Commission, in one year produced seven volumes and numerous other papers and I'm wondering if we are getting our money's worth?"

Senator Zimmerman: "Yes, in this case they are trying to hold down putting out just a lot of paper. It will be something worth reading. They have also produced most interesting surveys. They did a survey of citizens throughout the state on their attitudes in regard to local government and also a survey of government officials."

Senator Rasmussen: "When are they going to distribute the volume?"

Senator Zimmerman: "I think they are upon request at this point. We are trying to reduce the number of things put out that people just won't read. At this point, I

am sure they are going to be available to members of the Governmental Operations Committee. I assume they will be available to legislators, but rather than just stack up reports that are going to be unread—I know you are a keeper of reports and I am sure we should get you one. I'll let you borrow mine right now."

Senator Rasmussen: "Thank you, I would appreciate it."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 296.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 296 and the bill passed the Senate by the following vote: Yeas, 32; nays, 17.

Voting yea: Senators Bailey, Barr, Bauer, Benitz, Bluechel, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kiskaddon, Kreidler, McDermott, Metcalf, Moore, Nelson, Patterson, Peterson, Rinehart, Saling, Sellar, Smitherman, Stratton, Tanner, Vognild, von Reichbauer, Williams, Wojahn, Zimmerman - 32.

Voting nay: Senators Anderson, Bender, Bottiger, Cantu, Craswell, Hayner, Johnson, Lee, McCaslin, McDonald, Newhouse, Owen, Pullen, Rasmussen, Talmadge, Warnke, West - 17.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 296, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### POINT OF INQUIRY

Senator Deccio: "Senator Zimmerman, I don't know where they were born, but have you been there?"

Senator Zimmerman: "Of course."

There being no objection, the President advanced the Senate to the eighth order of business.

#### MOTION

On motion of Senator Halsan, the following resolution was adopted:

#### SENATE RESOLUTION 1987-8634

by Senator Halsan

WHEREAS, The Morton High School Huskies won the 1987 state class B boys' basketball championship in Spokane by defeating the St. John Eagles 52-50 in a thrilling game; and

WHEREAS, This state championship came exactly twenty-five years to the day after the last championship won by Morton against the same St. John's team in the same Spokane Coliseum; and

WHEREAS, The Huskies finished the 1987 season with a sterling record of 26-2; and

WHEREAS, Huskies coach Ron Nilson, who played forward on the 1962 Morton championship team, has compiled an outstanding record in his eighteen years as coach of the Huskies; and

WHEREAS, Husky players Don Barnes, Joe Brewer, Steve Brewer, Mike Courmyer, Chris Johnson, Brad Peters, Robb Stanley, Dennis Tauscher, Troy Trevino, Kurt Van Fossen, Dan Whannell and Jason Wood; and coaches Ron Nilson, Jim Johnson and Randy Kenny, have brought a great sense of community pride and spirit to the town of Morton; and

WHEREAS, The legacy of the 1962 Morton champions has been proudly passed on to a new generation of local heroes, who will undoubtedly carry it forward with the same sense of class and dignity befitting a true champion;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate, That the Morton High School Huskies, their coaches, and community supporters be commended on their successful accomplishments; and

BE IT FURTHER RESOLVED; That the Secretary of the Senate shall transmit copies of this resolution to head coach Ron Nilson and the members of the Morton High School basketball team.

## INTRODUCTION OF SPECIAL GUESTS

The President introduced the members of the Morton High School 1987 state class B boys' basketball team and the coaches who were seated in the gallery.

There being no objection, the President returned the Senate to the sixth order of business.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 313, by Committee on Local Government (originally sponsored by Representatives Zellinsky, Schmidt, Haugen and Hine)

Reducing park district commission terms to four years.

The bill was read the second time.

## MOTIONS

On motion of Senator Kreidler, the rules were suspended, Substitute House Bill No. 313 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Bottiger, further consideration of Substitute House Bill No. 313 was deferred.

President Pro Tempore Rasmussen assumed the chair.

## SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 339, by Committee on Ways and Means/Appropriations (originally sponsored by Representatives Jacobsen, Heavey, H. Sommers, Niemi, Pruitt, Dellwo, Wang, P. King, Hine, K. Wilson, Unsoeld, Miller and Wineberry) (by request of Governor Gardner)

Establishing the Washington distinguished professorship trust fund program.

The bill was read the second time.

## MOTION

On motion of Senator Rinehart, the rules were suspended, Second Substitute House Bill No. 339 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Second Substitute House Bill No. 339.

## ROLL CALL

The Secretary called the roll on final passage of Second Substitute House Bill No. 339 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SECOND SUBSTITUTE HOUSE BILL NO. 339, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 358, by Representatives H. Sommers, Bristow, Holland, B. Williams, Patrick, Sayan, Silver, Braddock, Hine, Fuhrman, C. Smith, Wang, Valle and May

Revising provisions relating to the state actuary and creating a joint committee on pension policy.

The bill was read the second time.

## MOTION

On motion of Senator Rinehart, the rules were suspended, House Bill No. 358 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of House Bill No. 358.

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 358 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

HOUSE BILL NO. 358, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 492, by Committee on Higher Education (originally sponsored by Representatives Heavey, Jacobsen, Allen, Prince, Unsoeld, Miller, Brough, Kremen and R. King)

Continuing the authority to permit installment payments of tuition and fees.

The bill was read the second time.

## MOTION

On motion of Senator Rinehart, the rules were suspended, Substitute House Bill No. 492 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 492.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 492 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE HOUSE BILL NO. 492, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED HOUSE BILL NO. 678, by Representatives Pruitt, D. Sommers and Wang (by request of Department of Labor and Industries)

Revising provisions relating to the right-to-know advisory council.

The bill was read the second time.

## MOTION

On motion of Senator Kreidler, the rules were suspended, Engrossed House Bill No. 678 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 678.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 678 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

ENGROSSED HOUSE BILL NO. 678, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

On motion of Senator Smitherman, Gubernatorial Appointment No. 9020, Ruthann Kurose, as a member of the Small Business Export Financial Assistance Center Board of Directors, was confirmed.

## APPOINTMENT OF RUTHANN KUROSE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

## MOTION

On motion of Senator Smitherman, Gubernatorial Appointment No. 9082, Bruce F. Brennan, as a member of the Apprenticeship Council, was confirmed.

## APPOINTMENT OF BRUCE F. BRENNAN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Benitz - 1.

## MOTION

On motion of Senator Smitherman, Gubernatorial Appointment No. 9095, Roy M. Kalich, as a member of the State Lottery Commission, was confirmed.

## APPOINTMENT OF ROY M. KALICH

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

## MOTION

At 11:30 a.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Monday, March 30, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## SEVENTY-EIGHTH DAY

## MORNING SESSION

Senate Chamber, Olympia, Monday, March 30, 1987

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Kiskaddon, Peterson and Rinehart. On motion of Senator Bender, Senators Peterson and Rinehart were excused.

The Sergeant at Arms Color Guard, consisting of Pages Susanne Brown and Walter Pullen, presented the Colors. Reverend Ted Kriefall, pastor of the Trinity Lutheran Church of Olympia, and a guest of Senator Max Benitz, offered the prayer.

## MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

## REPORTS OF STANDING COMMITTEES

March 26, 1987

SHB 2 Prime Sponsor, Committee on Local Government: Modifying provisions relating to water and sewer districts. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

March 26, 1987

ESHB 4 Prime Sponsor, Committee on Constitution, Elections and Ethics: Revising provisions governing the release of public records. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Bottiger, McCaslin, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

March 26, 1987

SHB 23 Prime Sponsor, Committee on Transportation: Authorizing green lights on private cars of emergency medical personnel. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Tanner, Vice Chairman; Bailey, Barr, Bender, Conner, DeJarnatt, Garrett, Halsan, Nelson, Patterson, Sellar, Smitherman, West.

Passed to Committee on Rules for second reading.

March 26, 1987

EHB 39 Prime Sponsor, Representative Haugen: Changing provisions related to special districts. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; McCaslin, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

March 25, 1987

HB 66 Prime Sponsor, Representative Rayburn: Lowering the business and occupation tax rate on the manufacture of barley into pearl barley. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Bauer, Vice Chairman; Anderson, Bailey, Barr, Gaspard.

Passed to Committee on Rules for second reading.

March 27, 1987

ESHB 80 Prime Sponsor, Committee on Financial Institutions and Insurance: Regulating mortgage brokers. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Bottiger, Fleming, McDermott, Metcalf.

Passed to Committee on Rules for second reading.

March 26, 1987

HB 135 Prime Sponsor, Representative H. Sommers: Changing provisions relating to the Western Library Network. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

March 26, 1987

SHB 147 Prime Sponsor, Committee on Financial Institutions and Insurance: Revising provisions relating to credit insurance. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Metcalf, von Reichbauer.

Passed to Committee on Rules for second reading.

March 26, 1987

SHB 188 Prime Sponsor, Committee on Constitution, Elections and Ethics: Specifying the time for filing initiatives and referendums. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

March 26, 1987

E2SHB 221 Prime Sponsor, Committee on Ways and Means/Appropriations: Providing access for hearing impaired to telecommunications devices. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Williams, Chairman; Owen, Vice Chairman; Cantu, Nelson, Smitherman, Stratton.

Passed to Committee on Rules for second reading.

March 25, 1987

EHB 235 Prime Sponsor, Representative Fisch: Legalizing the possession of drugs prescribed by out-of-state physicians. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Tanner.

Passed to Committee on Rules for second reading.

March 26, 1987

EHB 248 Prime Sponsor, Representative Patrick: Increasing state patrol retirement allowances of certain surviving spouses. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Fleming, Kreidler, McDonald, Moore, Owen, Rinehart, Talmadge, Vognilid, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 26, 1987

HB 294 Prime Sponsor, Representative Heavey: Eliminating hearings in certain drivers' license suspensions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Peterson, Chairman; Tanner, Vice Chairman; Bailey, Barr, Bender, Conner, DeJarnatt, Garrett, Halsan, Nelson, Patterson, Sellar, Smitherman, West.

Passed to Committee on Rules for second reading.

March 26, 1987

HB 379 Prime Sponsor, Representative Chandler: Regulating formation and operation of risk retention groups. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Fleming, McDermott, Metcalf, von Reichbauer.

Passed to Committee on Rules for second reading.

March 26, 1987

HB 406 Prime Sponsor, Representative Sayan: Revising provisions on retirement service credit for members of committees, boards and commissions. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Cantu, Craswell, Hayner, McDonald, Moore, Owen, Rasmussen, Saling, Talmadge, Vognilid, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 26, 1987

SHB 415 Prime Sponsor, Committee on Transportation: Authorizing approved alcohol/drug treatment agencies to obtain driving records. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Tanner, Vice Chairman; Bailey, Barr, Bender, Conner, DeJarnatt, Garrett, Halsan, Nelson, Patterson, Sellar, Smitherman, West.

Passed to Committee on Rules for second reading.

March 26, 1987

SHB 424 Prime Sponsor, Committee on Ways and Means/Appropriations: Providing for service credit for school district employees under the public employees' retirement system. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Craswell, Hayner, Kreidler, McDonald, Moore, Owen, Rasmussen, Rinehart, Saling, Talmadge, Vognilid, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 27, 1987

SHB 430 Prime Sponsor, Representative Fisch: Authorizing creation of employee cooperatives. Reported by Committee on Rules

MAJORITY recommendation: Refer to Committee on Ways and Means. Signed by John A. Cherberg, Chairman; Senators Rasmussen, Vice Chairman; Bauer, Bender, Benitz, Bottiger, Conner, Fleming, Garrett, Newhouse, Sellar, Vognilid, von Reichbauer, Zimmerman.

Referred to Committee on Ways and Means.

March 26, 1987

EHB 432 Prime Sponsor, Representative Chandler: Regulating fraternal benefit societies. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Fleming, McDermott, Metcalf, von Reichbauer.

Passed to Committee on Rules for second reading.

March 26, 1987

E2SHB 477 Prime Sponsor, Committee on Ways and Means: Enacting the health care access act of 1987. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Deccio, Fleming, Kreidler, Moore, Owen, Rinehart, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 25, 1987

SHB 506 Prime Sponsor, Committee on Human Services: Creating the children's trust fund. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Tanner.

Passed to Committee on Rules for second reading.

March 26, 1987

HB 643 Prime Sponsor, Representative Beck: Designating use of special assessments before bonds are issued by local improvement districts. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

March 24, 1987

ESHB 776 Prime Sponsor, Committee on Education: Removing the requirement that hearing officers for school employee cases be attorneys. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bailey, Bender, Craswell, Patterson, Saling, Smitherman, Warnke.

Passed to Committee on Rules for second reading.

March 26, 1987

HB 865 Prime Sponsor, Representative Wang: Revising continued service credit for duty disability retirement recipients. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Cantu, Craswell, Hayner, McDonald, Moore, Owen, Rasmussen, Rinehart, Saling, Talmadge, Vognild, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 26, 1987

HB 1014 Prime Sponsor, Representative Haugen: Allowing certain public corporations to use local improvement district financing. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

March 26, 1987

HB 1067 Prime Sponsor, Representative Unsoeld: Revising actuarially equivalent options for public retirement allowances. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Cantu, Craswell, Fleming, Hayner, Kreidler, McDonald, Moore, Owen, Rasmussen, Rinehart, Talmadge, Vognild, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 26, 1987

HJM 4023 Prime Sponsor, Representative Jesernig: Petitioning Congress to pursue the cleanup and disposal of radioactive wastes at Hanford. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Williams, Chairman; Owen, Vice Chairman; Benitz, Cantu, Nelson, Smitherman, Stratton.

Passed to Committee on Rules for second reading.

#### GUBERNATORIAL APPOINTMENTS

March 26, 1987

GA 9040 WILLIAM J. KAMPS, appointed July 8, 1986, for a term ending June 30, 1992, as a member of the Transportation Commission, succeeding Pat Wanamaker.  
Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Peterson, Chairman; Tanner, Vice Chairman; Bailey, Barr, Bender, Conner, DeJarnatt, Garrett, Halsan, Nelson, Patterson, Sellar, Smitherman, West.

Passed to Committee on Rules.

March 26, 1987

GA 9042 HOWARD H. PRYOR, appointed July 17, 1986, for a term ending September 30, 1987, as a member of the Board of Trustees for Wenatchee Valley Community College District 15.  
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Craswell, Patterson, Saling, Smitherman, Warnke.

Passed to Committee on Rules.

March 26, 1987

GA 9057 BILL MORTIMER, appointed October 8, 1986, for a term ending October 13, 1991, as a member of the Board of Trustees for Lower Columbia Community College District 13.  
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Patterson, Saling, Smitherman, Warnke.

Passed to Committee on Rules.

March 26, 1987

GA 9060 MARY HENRIE, reappointed October 8, 1986, for a term ending September 30, 1991, as a member of the Board of Trustees for Wenatchee Valley Community College District 15.  
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Craswell, Patterson, Saling, Smitherman, Warnke.

Passed to Committee on Rules.

March 26, 1987

GA 9061 ANTHONY WASHINES, reappointed October 8, 1986, for a term ending September 30, 1991, as a member of the Board of Trustees for Yakima Valley Community College District 16.  
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Craswell, Patterson, Saling, Smitherman, Warnke.

Passed to Committee on Rules.

March 26, 1987

GA 9062 ELOISE V. ALVAREZ, reappointed October 8, 1986, for a term ending September 30, 1991, as a member of the Board of Trustees for Big Bend Community College District 18.  
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Craswell, Patterson, Saling, Smitherman, Warnke.

Passed to Committee on Rules.

March 26, 1987

GA 9063 MINH-ANH T. HODGE, appointed October 8, 1986, for a term ending September 30, 1989, as a member of the Board of Trustees for Columbia Basin Community College District 19.  
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Patterson, Saling, Smitherman, Warnke.

Passed to Committee on Rules.

March 26, 1987

GA 9064 DENNIS G. SEINFELD, appointed October 8, 1986, for a term ending September 30, 1991, as a member of the Board of Trustees for Tacoma Community College District 22.  
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Saling, Smitherman, Warnke.

Passed to Committee on Rules.

March 26, 1987

GA 9065 JACK DURNEY, reappointed October 8, 1986, for a term ending September 30, 1991, as a member of the Board of Trustees for Grays Harbor Community College District 2.  
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Patterson, Saling, Smitherman, Warnke.

Passed to Committee on Rules.

March 26, 1987

GA 9074 WILLIAM R. WILKERSON, appointed December 1, 1986, for a term ending at the Governor's pleasure, as Director of the Department of Revenue.

Reported by Committee on Ways and Means

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Cantu, Hayner, Kreidler, McDonald, Owen, Rinehart, Saling, Talmadge, Vognild, Williams, Zimmerman.

Passed to Committee on Rules.

March 26, 1987

GA 9075 JULIE A. JOHNSON, appointed November 14, 1986, for a term ending September 30, 1991, as a member of the Board of Trustees for Peninsula Community College District 1.  
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Patterson, Saling, Smitherman, Warnke.

Passed to Committee on Rules.

March 26, 1987

GA 9077 MARY ANN FUNK, appointed November 14, 1986, for a term ending September 30, 1991, as a member of the Board of Trustees for Skagit Valley Community College District 4.  
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Saling, Smitherman, Warnke.

Passed to Committee on Rules.

March 26, 1987

GA 9079 ALEXANDER SWANTZ, appointed November 14, 1986, for a term ending September 30, 1991, as a member of the Board of Trustees for Walla Walla Community College District 20.  
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Craswell, Patterson, Saling, Smitherman, Warnke.

Passed to Committee on Rules.

March 26, 1987

GA 9081 INEZ P. JOHNSON, appointed November 14, 1986, for a term ending September 30, 1991, as a member of the Board of Trustees for Whatcom Community College District 21.  
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Saling, Smitherman, Warnke.

Passed to Committee on Rules.

March 26, 1987

GA 9087 LINDA S. JOHNSON, appointed January 17, 1987, for a term ending September 30, 1991, as a member of the Board of Trustees for Shoreline Community College District 7.  
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Saling, Smitherman, Warnke.

Passed to Committee on Rules.

March 26, 1987

GA 9089 ROBERT E. HUNT, reappointed January 17, 1987, for a term ending September 30, 1991, as a member of the Board of Trustees for Tacoma Community College District 22.  
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Patterson, Saling, Smitherman, Warnke.

Passed to Committee on Rules.

March 26, 1987

GA 9092 WILLIAM G. MORRIS, appointed January 17, 1987, for a term ending September 30, 1991, as a member of the Board of Trustees for Clark Community College District 14.  
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Craswell, Patterson, Saling, Smitherman, Warnke.

Passed to Committee on Rules.

March 26, 1987

GA 9093 SUSAN M. JOHNSON, appointed January 17, 1987, for a term ending September 30, 1990, as a member of the Board of Trustees for Shoreline Community College District 7.  
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Patterson, Saling, Smitherman, Warnke.

Passed to Committee on Rules.

March 26, 1987

GA 9103 LOWELL E. KNUTSON, appointed February 11, 1987, for a term ending September 30, 1991, as a member of the Board of Trustees for Seattle Community College District 6.  
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Craswell, Patterson, Saling, Smitherman, Warnke.

Passed to Committee on Rules.

#### MESSAGE FROM THE HOUSE

March 27, 1987

Mr. President:

The House has passed:

SENATE BILL NO. 5010,

SENATE BILL NO. 5060,

SUBSTITUTE SENATE BILL NO. 5174,

SUBSTITUTE SENATE BILL NO. 5193,

SENATE BILL NO. 5197,

SUBSTITUTE SENATE BILL NO. 5318,

SUBSTITUTE SENATE BILL NO. 5330,

SENATE BILL NO. 5331,

SUBSTITUTE SENATE BILL NO. 5849, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

There being no objection, the President advanced the Senate to the sixth order of business.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

## MOTION

On motion of Senator Talmadge, Gubernatorial Appointment No. 9070, Arthur D. Curtis, as a member of the Sentencing Guidelines Commission, was confirmed.

## APPOINTMENT OF ARTHUR D. CURTIS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Kiskaddon - 1.

Excused: Senators Peterson, Rinehart - 2.

There being no objection, the President advanced the Senate to the eighth order of business.

## MOTION

Senator Halsan moved that the following resolution be adopted:

## SENATE RESOLUTION 1987-8635

by Senators Halsan and Rasmussen

WHEREAS, The Onalaska Loggers high school football team defeated Liberty-Spangle 23-12 for the 1986 state B football championship; and

WHEREAS, That victory produced the first state football championship in school history; and

WHEREAS, The Loggers were one of only three teams in the entire state to go undefeated finishing with a 13-0 record including seven shutouts; and

WHEREAS, Ten year coach of the Onalaska Loggers, Ed Simons, has patiently built a team which has now earned a berth in the state playoffs for four consecutive years; and

WHEREAS, Coach Ed Simons, assistant coaches Al Harris and Jim Frazier, and players John Anderson, Stefan Bainbridge, Billy Barnes, Tom Blair, David Briggs, Marshall Brockway, John Camp, Tim Carnes, Jeremy Cline, Richard Duran, Owen Fickett, Dan Frady, Nathan Faussett, Brody Hagseth, Chris Kinsman, Troy Kinsman, Lee Lawrence, Lyle Lawrence, Derek McMillion, Jason Mills, Darrin Morrison, Hank Neumann, Rob Perkins, Kelly Rains, Mike Rains, Keith Ritchey, Kevin Ritchey, Brian Roberts, Chris Roberts, Charlie South, Paul Snow, Rex Stanley, Mike Underwood, Bill Van Housen, Randy Witzel and Ron Wright have displayed the discipline, camaraderie, spirit and teamwork from which true champions are made; and

WHEREAS, The enthusiasm of the cheerleaders, the student body and the entire town of Onalaska contributed to the confidence and determination of this hard-working team; and

WHEREAS, This historic victory is the result of the same hard work and dedication that characterizes the entire Onalaska community and gives it a sense of true pride and accomplishment that comes from doing a job well;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate, That the Onalaska High School Loggers, their coaches, and community supporters be commended and congratulated on their successful accomplishments; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate shall transmit copies of this resolution to head coach Ed Simons, assistant coaches Al Harris and Jim Frazier and all members of the Onalaska high school football team.

## POINT OF INQUIRY

Senator Zimmerman: "Senator Halsan, I see the coach is named Ed Simons, is he possibly the son of one of the great coaches of southwest Washington--Kalama? Do you know by chance?"

Senator Halsan: "I'm not sure, but I'm sure we could introduce you to him a little bit later."

## POINT OF INQUIRY

Senator Zimmerman: "The era of Senator Arlie DeJarnatt would perhaps probably know. I just wondered because he was one of the great coaches of that era. Senator DeJarnatt--"

Senator DeJarnatt: "Senator, I think it was Virgil Simmons at Kelso and Onalaska and Toutle Lake."

Senator Zimmerman: And Mossyrock, wasn't he?"

Senator DeJarnatt: "Onalaska, Kalama and Toutle Lake as far as I know."

Senator Zimmerman: "I appreciate that correction and it is Virgil Simmons--the proper name. Thank you."

The President declared the question before the Senate to be adoption of Senate Resolution 1987-8635.

The motion by Senator Halsan carried and Senate Resolution 1987-8635 was adopted.

## INTRODUCTION OF SPECIAL GUESTS

The President introduced the members of the Onalaska Loggers, the 1986 state B football champion team and their coaches who were seated in the gallery.

## APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chambers of Consul General K.K.S. Rana of India and appointed Senators Hayner and Warnke to escort the special guest to the Senate Rostrum.

With permission of the Senate, business was suspended to permit Consul General Rana to address the Senate.

The Consul General presented President Cherberg with a gift and appropriate remarks of welcome were given by Senator Zimmerman.

The honored guest was escorted from the Senate Chambers and the committee was discharged.

## MOTION

At 10:43 a.m., on motion of Senator Vognild, the Senate recessed until 1:30 p.m.

## AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Cherberg.

## MOTION

At 1:30 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 2:23 p.m. by President Cherberg.

There being no objection, the President returned the Senate to the fourth order of business.

## MESSAGES FROM THE HOUSE

March 30, 1987

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 98,

HOUSE BILL NO. 204,

SUBSTITUTE HOUSE BILL NO. 263,

HOUSE BILL NO. 282,

HOUSE BILL NO. 295,

SUBSTITUTE HOUSE BILL NO. 296,

SECOND SUBSTITUTE HOUSE BILL NO. 339,

HOUSE BILL NO. 358,

SUBSTITUTE HOUSE BILL NO. 492,

HOUSE BILL NO. 678, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 30, 1987

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 1,  
 SUBSTITUTE HOUSE BILL NO. 9,  
 SUBSTITUTE HOUSE BILL NO. 11, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 30, 1987

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5351, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
 SUBSTITUTE SENATE BILL NO. 5351.

SIGNED BY THE PRESIDENT

The President signed:  
 SENATE BILL NO. 5010,  
 SENATE BILL NO. 5060,  
 SUBSTITUTE SENATE BILL NO. 5174,  
 SUBSTITUTE SENATE BILL NO. 5193,  
 SENATE BILL NO. 5197,  
 SUBSTITUTE SENATE BILL NO. 5318,  
 SUBSTITUTE SENATE BILL NO. 5330,  
 SENATE BILL NO. 5331,  
 SUBSTITUTE SENATE BILL NO. 5849.

SIGNED BY THE PRESIDENT

The President signed:  
 HOUSE BILL NO. 1,  
 SUBSTITUTE HOUSE BILL NO. 9,  
 SUBSTITUTE HOUSE BILL NO. 11,  
 SUBSTITUTE HOUSE BILL NO. 98,  
 HOUSE BILL NO. 204,  
 SUBSTITUTE HOUSE BILL NO. 263,  
 HOUSE BILL NO. 282,  
 HOUSE BILL NO. 295,  
 SUBSTITUTE HOUSE BILL NO. 296,  
 SECOND SUBSTITUTE HOUSE BILL NO. 339,  
 HOUSE BILL NO. 358,  
 SUBSTITUTE HOUSE BILL NO. 492,  
 HOUSE BILL NO. 678.

MOTION

At 2:24 p.m., on motion of Senator Vognild, the Senate adjourned until 12:00 noon, Tuesday, March 31, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## SEVENTY-NINTH DAY

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### NOON SESSION

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Senate Chamber, Olympia, Tuesday, March 31, 1987

The Senate was called to order at 12:00 noon by President Cherberg. No roll call was taken.

The Sergeant at Arms Color Guard, consisting of Pages Jennifer Frans and Erika Frans, presented the Colors. Reverend Richard Hart, senior pastor of the First Baptist Church of Olympia, offered the prayer.

#### MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

#### REPORTS OF STANDING COMMITTEES

March 30, 1987

HB 10 Prime Sponsor, Representative Grimm: Revising provisions relating to transfer of service credit from the state-wide city employees' retirement system. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Bauer, Bluechel, Cantu, Craswell, Deccio, Hayner, Kreidler, McDonald, Owen, Rasmussen, Rinehart, Saling, Talmadge, Vognild, Wojahn.

Passed to Committee on Rules for second reading.

March 30, 1987

E2SHB 16 Prime Sponsor, Committee on Environmental Affairs: Regulating wood stoves emissions. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass. Signed by Senators Kreidler, Chairman; Bluechel, Hansen, Kiskaddon.

Passed to Committee on Rules for second reading.

March 30, 1987

HB 44 Prime Sponsor, Representative Todd: Clarifying procedures on the collection of property taxes on mobile homes. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Bauer, Bluechel, Cantu, Craswell, Deccio, Hayner, Kreidler, McDonald, Rasmussen, Saling, Talmadge, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 30, 1987

HB 49 Prime Sponsor, Representative Valle: Establishing a governor's award of excellence for achievement in hazardous or solid waste management. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass. Signed by Senators Kreidler, Chairman; Bluechel, Hansen, Kiskaddon.

Passed to Committee on Rules for second reading.

March 30, 1987

SHB 55 Prime Sponsor, Committee on Natural Resources: Modifying the determinations of sustainable harvest. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; DeJarnatt, Vice Chairman; Barr, Craswell, McDonald, Patterson, Stratton.

Passed to Committee on Rules for second reading.

March 30, 1987

HB 96 Prime Sponsor, Representative Madsen: Revising provisions on the extension and collection of property taxes when the valuation of highly valued property is subject to an appeal. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Bauer, Bluechel, Cantu, Craswell, Deccio, Hayner, Kreidler, McDonald, Owen, Rasmussen, Rinehart, Saling, Talmadge, Vognild, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 27, 1987

ESHB 114 Prime Sponsor, Committee on Commerce and Labor: Extending effect of expired collective bargaining agreement. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Tanner, Vognild, Williams, Wojahn.

MINORITY recommendation: Do not pass. Signed by Senators Anderson, Lee, Sellar, West.

Passed to Committee on Rules for second reading.

March 27, 1987

SHB 130 Prime Sponsor, Committee on Transportation: Authorizing procedures for collection of airport use fees. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Peterson, Chairman; Tanner, Vice Chairman; Bailey, Barr, Bender, Conner, DeJarnatt, Garrett, Halsan, Nelson, Patterson, Sellar, Smitherman, West.

Passed to Committee on Rules for second reading.

March 30, 1987

SHB 138 Prime Sponsor, Committee on Ways and Means: Permitting a two-year tuition waiver under the Washington award for vocational excellence. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Craswell, Patterson, Saling.

Passed to Committee on Rules for second reading.

March 27, 1987

HB 142 Prime Sponsor, Representative Armstrong: Clarifying the attorney general's authority to use presuit investigative powers in consumer complaints where the violation may ultimately be prosecuted under federal consumer protection law. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Bottiger, Moore, Newhouse.

Passed to Committee on Rules for second reading.

March 27, 1987

EHB 157 Prime Sponsor, Representative R. King: Eliminating department discretion in authorizing release of relevant medical information concerning industrial insurance claimants. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Lee, Sellar, Tanner, Vognild, West, Williams.

Passed to Committee on Rules for second reading.

March 30, 1987

ESHB 186 Prime Sponsor, Committee on Local Government: Raising amounts over which public contracts must be sent out for competitive bids. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, Talmadge.

Passed to Committee on Rules for second reading.

March 30, 1987

HB 197 Prime Sponsor, Representative Madsen: Clarifying adjustments in the state property tax levy. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Bluechel, Cantu, Craswell, Deccio, Kreidler, McDonald, Moore, Owen, Rasmussen, Rinehart, Saling, Talmadge, Vognild, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 25, 1987

HB 250 Prime Sponsor, Representative Walk: Allowing the utilities and transportation commission to take action on permits after notice and opportunity for hearing. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Tanner, Vice Chairman; Bailey, Bender, Conner, DeJarnatt, Halsan, Johnson, Nelson, Patterson, Sellar, Smitherman, von Reichbauer.

Passed to Committee on Rules for second reading.

March 30, 1987

ESHB 298 Prime Sponsor, Committee on Local Government: Permitting certain library districts, metropolitan park districts, fire protection districts, and public hospital districts to withdraw areas from their boundaries. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Zimmerman.

Passed to Committee on Rules for second reading.

March 30, 1987

HB 314 Prime Sponsor, Representative H. Sommers: Revising provisions relating to public works contracts. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Zimmerman.

Passed to Committee on Rules for second reading.

March 26, 1987

HB 338 Prime Sponsor, Representative Zellinsky: Authorizing the transportation commission to retain legal counsel and other technical experts. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Tanner, Vice Chairman; Bailey, Bender, Conner, DeJarnatt, Garrett, Halsan, Nelson, Patterson, Sellar, Smitherman, West.

Passed to Committee on Rules for second reading.

March 27, 1987

SHB 353 Prime Sponsor, Committee on Agriculture and Rural Development: Modifying provisions relating to the department of agriculture. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass as amended. Signed by Senators Hansen, Chairman; Bauer, Vice Chairman; Anderson, Bailey, Barr, Gaspard.

Passed to Committee on Rules for second reading.

March 30, 1987

SHB 359 Prime Sponsor, Committee on Ways and Means/Appropriations: Revising provisions relating to the judicial retirement system. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Bluechel, Craswell, Deccio, Hayner, Kreidler, Moore, Owen, Rinehart, Talmadge, Vognild, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 27, 1987

SHB 364 Prime Sponsor, Committee on Commerce and Labor: Changing provisions relating to contractor registration and disclosure. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Vognild, West, Williams.

Referred to Committee on Ways and Means.

March 27, 1987

HB 374 Prime Sponsor, Representative Rasmussen: Authorizing the director of agriculture to regulate the sale, distribution and use of veterinary biologics. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Bauer, Vice Chairman; Anderson, Bailey, Barr, Gaspard.

Passed to Committee on Rules for second reading.

March 27, 1987

SHB 391 Prime Sponsor, Committee on Judiciary: Changing provisions relating to deeds of trust. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Bottiger, Moore, Newhouse.

Passed to Committee on Rules for second reading.

March 30, 1987

HB 462 Prime Sponsor, Representative Cantwell: Changing provisions relating to industrial insurance payments and penalties. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Lee, Vognild, Williams, Wojahn.

MINORITY recommendation: Do not pass. Signed by Senators Anderson, West.

Passed to Committee on Rules for second reading.

March 30, 1987

ESHB 465 Prime Sponsor, Committee on Commerce and Labor: Changing provisions relating to wage claims. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Lee, Vognild, West, Wojahn.

Passed to Committee on Rules for second reading.

March 27, 1987

SHB 508 Prime Sponsor, Committee on Judiciary: Establishing crimes involving access devices. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Bottiger, Moore, Newhouse.

Passed to Committee on Rules for second reading.

March 27, 1987

ESHB 543 Prime Sponsor, Committee on Agriculture and Rural Development: Providing procedures to investigate and remedy complaints regarding pollution from nonpoint agricultural activity. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Hansen, Chairman; Bauer, Vice Chairman; Anderson, Bailey, Barr, Gaspard.

Referred to Committee on Ways and Means.

March 27, 1987

2SHB 569 Prime Sponsor, Committee on Ways and Means/Revenue: Establishing the Washington wine commission. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Hansen, Chairman; Bauer, Vice Chairman; Anderson, Bailey, Barr.

Referred to Committee on Ways and Means.

March 30, 1987

ESHB 578 Prime Sponsor, Committee on Local Government: Establishing dates for establishment of taxing district boundaries for levy purposes. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Zimmerman.

Passed to Committee on Rules for second reading.

March 26, 1987

SHB 585 Prime Sponsor, Committee on Transportation: Clarifying residency and nonresidency status for vehicle registration purposes. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Tanner, Vice Chairman; Bailey, Bender, Conner, DeJarnatt, Garrett, Halsan, Nelson, Patterson, Sellar, Smitherman, West.

Passed to Committee on Rules for second reading.

March 30, 1987

SHB 601 Prime Sponsor, Committee on Judiciary: Prohibiting failure to pay for use of public accommodations. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

March 30, 1987

SHB 677 Prime Sponsor, Committee on Commerce and Labor: Changing requirements relating to industrial insurance administration. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Lee, Vognild, Wojahn.

Passed to Committee on Rules for second reading.

March 30, 1987

SHB 695 Prime Sponsor, Committee on Ways and Means/Revenue: Changing provisions relating to property tax exemptions for seniors and disabled persons. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Bauer, Bluechel, Cantu, Craswell, Deccio, Hayner, Kreidler, McDonald, Owen, Rasmussen, Rinehart, Saling, Talmadge, Vognild, Wojahn.

Passed to Committee on Rules for second reading.

March 25, 1987

EHB 701 Prime Sponsor, Representative Patrick: Requiring survival kits on aircraft. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Tanner, Vice Chairman; Bailey, Bender, Conner, DeJarnatt, Halsan, Johnson, Nelson, Patterson, Sellar, von Reichbauer, West.

Passed to Committee on Rules for second reading.

March 30, 1987

SHB 706 Prime Sponsor, Committee on Ways and Means: Modifying youth employment and conservation provisions. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass. Signed by Senators Kreidler, Chairman; Bluechel, Hansen, Kiskaddon.

Passed to Committee on Rules for second reading.

March 30, 1987

SHB 732 Prime Sponsor, Committee on State Government: Revising provisions of the audit services revolving fund. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Zimmerman.

Passed to Committee on Rules for second reading.

March 27, 1987

SHB 734 Prime Sponsor, Committee on Judiciary: Revising provisions regulating minor access to erotic materials. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Bottiger, McCaslin, Newhouse.

Passed to Committee on Rules for second reading.

March 30, 1987

ESHB 743 Prime Sponsor, Committee on Trade and Economic Development: Revising community economic revitalization board statutes. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Lee, Tanner, Vognil, West, Wojahn.

Passed to Committee on Rules for second reading.

March 30, 1987

E2SHB 758 Prime Sponsor, Committee on Ways and Means: Establishing the department of wildlife. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Owen, Chairman; DeJarnatt, Vice Chairman; Conner, McDonald, Peterson, Stratton.

Referred to Committee on Ways and Means.

March 30, 1987

EHB 772 Prime Sponsor, Representative Madsen: Revising property tax provisions. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Bauer, Craswell, Deccio, Kreidler, McDonald, Owen, Rasmussen, Rinehart, Saling, Talmadge, Vognil, Wojahn.

Passed to Committee on Rules for second reading.

March 27, 1987

SHB 783 Prime Sponsor, Committee on Agriculture and Rural Development: Allowing the Marketing Association of a cooperative to enter into discussions pertaining to milk agreements. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Bauer, Vice Chairman; Anderson, Bailey, Barr, Gaspard.

Passed to Committee on Rules for second reading.

March 30, 1987

SHB 804 Prime Sponsor, Committee on Constitution, Elections and Ethics: Establishing voter registration programs in high schools. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, Talmadge.

Passed to Committee on Rules for second reading.

March 27, 1987

HB 856 Prime Sponsor, Representative Valle: Authorizing study of bed and breakfast industry. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Lee, Sellar, Vognild, West, Williams.

Passed to Committee on Rules for second reading.

March 27, 1987

SHB 937 Prime Sponsor, Committee on Commerce and Labor: Establishing time limit for forwarding of industrial insurance claims information by self-insurers. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Lee, Sellar, Vognild, West, Williams.

Passed to Committee on Rules for second reading.

March 30, 1987

HB 947 Prime Sponsor, Representative Betrozoff: Providing for the collection of unpaid motor vehicle excise taxes. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Bailey, Barr, Conner, DeJarnatt, Garrett, Halsan, Nelson, Patterson, Sellar, Smitherman.

Passed to Committee on Rules for second reading.

March 30, 1987

EHB 1021 Prime Sponsor, Representative Wineberry: Establishing the Washington state and employers' higher educational opportunities program. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Patterson, Saling, Smitherman.

Passed to Committee on Rules for second reading.

March 30, 1987

SHB 1069 Prime Sponsor, Committee on Commerce and Labor: Eliminating obsolete references to workmen's compensation. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Lee, Tanner, Vognild, West, Wojahn.

Passed to Committee on Rules for second reading.

March 30, 1987

HB 1090 Prime Sponsor, Representative Jacobsen: Exempting from taxation certain nonprofit organizations involved with student loans. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Bauer, Bluechel, Cantu, Craswell, Deccio, Hayner, Kreidler, McDonald, Owen, Rasmussen, Rinehart, Saling, Talmadge, Vogniid, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 30, 1987

SHB 1097 Prime Sponsor, Committee on Ways and Means/Appropriations: Continuing reciprocal tuition and fee programs. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Craswell, Patterson, Saling, Smitherman.

Passed to Committee on Rules for second reading.

March 30, 1987

EHB 1123 Prime Sponsor, Representative Walk: Directing moneys from the grade crossing protective fund to the motor vehicle fund. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Bailey, Barr, Conner, DeJarnatt, Garrett, Halsan, Nelson, Patterson, Sellar, Smitherman.

Passed to Committee on Rules for second reading.

March 30, 1987

SHB 1129 Prime Sponsor, Committee on Local Government: Changing provisions relating to the investment of public funds. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Zimmerman.

Passed to Committee on Rules for second reading.

March 30, 1987

SHB 1160 Prime Sponsor, Committee on Transportation: Implementing a pilot program to study road and maintenance project costs. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Peterson, Chairman; Bailey, Barr, Conner, DeJarnatt, Garrett, Halsan, Nelson, Patterson, Sellar, Smitherman.

Passed to Committee on Rules for second reading.

March 30, 1987

HB 1185 Prime Sponsor, Representative Appelwick: Specifying the order for the deduction of levy rates of junior taxing districts to meet limitations imposed by law. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

March 27, 1987

SHB 1189 Prime Sponsor, Committee on Trade and Economic Development: Studying economic development and marketing needs of rural businesses. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Lee, Sellar, Tanner, Vognild, Williams, Wojahn.

MINORITY recommendation: Do not pass. Signed by Senator West.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

March 30, 1987

Mr. President:

The House has passed:

SENATE BILL NO. 5009,

SENATE BILL NO. 5034, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 30, 1987

Mr. President:

The Speaker has signed:

SENATE BILL NO. 5010,

SENATE BILL NO. 5060,

SUBSTITUTE SENATE BILL NO. 5174,

SUBSTITUTE SENATE BILL NO. 5193,

SENATE BILL NO. 5197,

SUBSTITUTE SENATE BILL NO. 5318,

SUBSTITUTE SENATE BILL NO. 5330,

SENATE BILL NO. 5331,

SUBSTITUTE SENATE BILL NO. 5849, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 5009,

SENATE BILL NO. 5034.

MOTION

At 12:07 p.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Wednesday, April 1, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## EIGHTIETH DAY

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### MORNING SESSION

---

Senate Chamber, Olympia, Wednesday, April 1, 1987

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Barr, Bauer, Bluechel, Craswell, Hayner and McDermott. On motion of Senator Bender, Senators Bauer and McDermott were excused. On motion of Senator Zimmerman, Senator Bluechel was excused.

The Sergeant at Arms Color Guard, consisting of Pages Andy Leventis and Wendy Watcher, presented the Colors. Reverend Richard Hart, senior pastor of the First Baptist Church of Olympia, offered the prayer.

#### MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

#### REPORTS OF STANDING COMMITTEES

March 31, 1987

SHB 48 Prime Sponsor, Committee on Judiciary: Revising provisions relating to parenting. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

March 31, 1987

HB 68 Prime Sponsor, Representative Rayburn: Authorizing use of irrigation district business office as precinct polling place. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Bauer, Vice Chairman; Anderson, Bailey, Barr, Gaspard.

Passed to Committee on Rules for second reading.

March 31, 1987

HB 75 Prime Sponsor, Representative Rayburn: Changing the designation of the coordinating agency for the association of irrigation districts. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Bauer, Vice Chairman; Anderson, Bailey, Barr, Gaspard.

Passed to Committee on Rules for second reading.

March 30, 1987

ESHB 134 Prime Sponsor, Committee on Health Care: Certifying radiological technologists. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kreidler, Tanner.

Passed to Committee on Rules for second reading.

March 26, 1987

HB 146 Prime Sponsor, Representative Lux: Revising provisions relating to credit unions. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, McDermott, Metcalf, von Reichbauer.

Passed to Committee on Rules for second reading.

March 30, 1987

SHB 153 Prime Sponsor, Committee on Human Services: Requiring reports of abuse of developmentally disabled persons. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Tanner.

Passed to Committee on Rules for second reading.

March 31, 1987

SHB 231 Prime Sponsor, Committee on Agriculture and Rural Development: Changing provisions relating to water well construction, reconstruction, and abandonment. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Bauer, Vice Chairman; Anderson, Bailey, Gaspard.

Passed to Committee on Rules for second reading.

March 31, 1987

SHB 324 Prime Sponsor, Committee on Constitution, Elections and Ethics: Revising public disclosure exemptions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

March 31, 1987

HB 452 Prime Sponsor, Representative Locke: Changing provisions relating to school-based day care. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Patterson, Smitherman.

Passed to Committee on Rules for second reading.

March 31, 1987

SHB 458 Prime Sponsor, Committee on Energy and Utilities: Extending the moratorium on mandatory local measured telecommunications service. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Williams, Chairman; Benitz, Nelson, Smitherman, Stratton.

Passed to Committee on Rules for second reading.

March 31, 1987

ESHB 499 Prime Sponsor, Committee on Environmental Affairs: Providing standards for the issuance or renewal of wastewater permits. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass as amended. Signed by Senators Kreidler, Chairman; Rinehart, Vice Chairman; Bluechel, Hansen, Kiskaddon.

Passed to Committee on Rules for second reading.

March 31, 1987

SHB 542 Prime Sponsor, Committee on Natural Resources: Prohibiting placement of traps on private property without permission. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Owen, Chairman; DeJarnatt, Vice Chairman; Barr, Craswell, McDonald, Peterson.

Passed to Committee on Rules for second reading.

March 31, 1987

EHB 590 Prime Sponsor, Representative Doty: Establishing immunity from civil liability for elected and appointed local government officials. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; McCaslin, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

March 31, 1987

ESHB 644 Prime Sponsor, Committee on Environmental Affairs: Authorizing the department of ecology to certify testing laboratories for departmental submittals. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass as amended. Signed by Senators Kreidler, Chairman; Rinehart, Vice Chairman; Bluechel, Hansen, Kiskaddon.

Passed to Committee on Rules for second reading.

March 30, 1987

SHB 738 Prime Sponsor, Committee on State Government: Transferring functions of corrections standards board to other state agencies. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler.

Passed to Committee on Rules for second reading.

March 30, 1987

SHB 746 Prime Sponsor, Committee on Transportation: Establishing procedures for state purchase of passenger-only ferries. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Barr, Conner, DeJarnatt, Garrett, Halsan, Nelson, Patterson, Sellar, Smitherman, West.

Passed to Committee on Rules for second reading.

March 30, 1987

SHB 755 Prime Sponsor, Committee on Health Care: Revising provisions relating to community corrections. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Tanner.

Passed to Committee on Rules for second reading.

March 30, 1987

SHB 763 Prime Sponsor, Committee on Health Care: Establishing priorities for who may consent to health care for another. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Tanner.

Passed to Committee on Rules for second reading.

March 30, 1987

SHB 876 Prime Sponsor, Committee on Human Services: Changing certification requirements for methadone treatment programs. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Kreidler.

Passed to Committee on Rules for second reading.

March 31, 1987

SHB 1012 Prime Sponsor, Committee on Local Government: Changing provisions relating to the annexation of areas by public utility districts. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Williams, Chairman; Benitz, Nelson, Smitherman, Stratton.

Passed to Committee on Rules for second reading.

March 31, 1987

SHB 1065 Prime Sponsor, Committee on Ways and Means/Appropriations: Providing for the establishment of an automatic fingerprint identification system. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass and refer to Committee on Ways and Means. Signed by Senators Talmadge, Chairman; McCaslin, Nelson, Newhouse.

Referred to Committee on Ways and Means.

March 31, 1987

SHCR 4403 Prime Sponsor, Committee on Natural Resources: Providing for the development of rules to permit gillnet fishing during daylight hours. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; DeJarnatt, Vice Chairman; Barr, Conner, Craswell, McDonald, Metcalf, Peterson.

Passed to Committee on Rules for second reading.

March 31, 1987

SHCR 4407 Prime Sponsor, Committee on Natural Resources: Creating joint committee on marine and ocean resources. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; DeJarnatt, Vice Chairman; Barr, Conner, Craswell, McDonald, Metcalf, Patterson.

Passed to Committee on Rules for second reading.

#### GUBERNATORIAL APPOINTMENTS

March 31, 1987

GA 9044 LOUIS H. PEPPER, appointed June 19, 1986, for a term ending September 30, 1990, as a member of the Board of Regents for Washington State University.  
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Craswell, Smitherman, Warnke.

Passed to Committee on Rules.

March 31, 1987

GA 9056 GORDON SANDISON, reappointed October 10, 1986, for a term ending September 30, 1992, as a member of the Board of Trustees for Western Washington State University.  
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Craswell, Patterson, Smitherman, Warnke.

Passed to Committee on Rules.

March 31, 1987

GA 9076 KAY M. BOYD, appointed November 14, 1986, for a term ending September 30, 1992, as a member of the Board of Trustees for The Evergreen State College.  
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Smitherman, Warnke.

Passed to Committee on Rules.

MESSAGE FROM THE GOVERNOR

March 31, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on March 31, 1987, Governor Gardner approved the following Senate Bill entitled:

Substitute Senate Bill No. 5351  
Relating to state fiscal matters.

Sincerely,

TERRY SEBRING, Legal Counsel to the Governor

INTRODUCTION AND FIRST READING

SB 6072 by Senators Hansen, Sellar, Newhouse, Benitz, Deccio and Barr

AN ACT Relating to the excise taxation of sales of packing materials; and amending RCW 82.04.050.

Referred to Committee on Ways and Means.

SJR 8217 by Senators Owen, Cantu, Newhouse, Stratton, Lee and Barr

Adopting provisions relating to fiscal responsibility.

Referred to Committee on Ways and Means.

There being no objection, the President advanced the Senate to the sixth order of business.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Talmadge, Gubernatorial Appointment No. 9072, Bruce A. Wilson, as a member of the Public Disclosure Commission, was confirmed.

Senators Rasmussen, Zimmerman, McCaslin and Pullen spoke to the confirmation of Bruce A. Wilson.

APPOINTMENT OF BRUCE A. WILSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; absent, 3; excused, 3.

Voting yea: Senators Anderson, Bailey, Bender, Benitz, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 43.

Absent: Senators Barr, Craswell, Hayner - 3.

Excused: Senators Bauer, Bluechel, McDermott - 3.

There being no objection, the President advanced the Senate to the eighth order of business.

MOTION

On motion of Senator DeJarnatt, the following resolution was adopted:

SENATE RESOLUTION 1987-8638

by Senators DeJarnatt and Tanner

WHEREAS, The Mark Morris girls' varsity basketball team has received the Scholastic Achievement Award from the Washington Interscholastic Activities Association; and

WHEREAS, The team has established a record of academic excellence by maintaining a 3.61 overall grade point average; and

WHEREAS, There are six-hundred girls' and boys' basketball teams competing in the state of Washington; and

WHEREAS, Two-hundred basketball teams in the state have maintained a 3.0 or higher grade point average; and

WHEREAS, The Mark Morris girls' varsity basketball teams academic achievements have won them first place for AA girls basketball teams and among the top nine overall; and

WHEREAS, The teams' athletic accomplishments have been accompanied by academic success achieved through individual dedication and perseverance;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate salutes and applauds the achievements of these young people; Tera Frederickson, Michele Hayes, Jana Harris, Mardee Millard, Sheri Noah, Judy Mellema, Jenny Pickett, Amy Piper, Carol Smith, Nancy Stronach, Krista Walkush and Erin Walling; assistant coaches Rick Butts and John Sapinsky; head coach Bob Baugaason; and rally squad members Jennifer Amnotte, Angie Brusco, Julie Hollod, Jennifer Nau and Lisa Perrin; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit copies of this resolution to the coaches, players and rally squad members of Mark Morris High School.

#### INTRODUCTION OF SPECIAL GUESTS

The President introduced the members of the Mark Morris girls' basketball scholastic achievement winners who were seated in the gallery.

#### MOTION

On motion of Senator DeJarnatt, the following resolution was adopted:

#### SENATE RESOLUTION 1987-8636

by Senators DeJarnatt and Tanner

WHEREAS, The Mark Morris boys' basketball team recently won the Washington State AA high school championship; and

WHEREAS, This is a record-tying third state championship for Mark Morris and a record-tying third consecutive appearance in the state championship game; and

WHEREAS, The 1978, 1985 and 1987 state champion teams have all competed during the eleven year tenure of coach Dave Denny; and

WHEREAS, During those eleven years the total record of the Mark Morris Monarchs boys' basketball is one-hundred and ninety-nine victories against seventy-six defeats; and

WHEREAS, this success was achieved through dedication, teamwork and a belief in the ideal that any goal is attainable;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate salutes and applauds the triumph of these young people; all-state selection Mike Roberts, Dave Walling, Jeff Denny, Shawn Merz, Matt Davis, Jeff Walling, Mark Herold, Rob Perry, Jeff Graves, Tony Silvery, Eric Myklebust and Eric Reisner; team managers Ron Johnson, Angela Wick and Greg Watson; assistant coaches Jon Fountain and Steve McCallum; coach Dave Denny; rally squad members Lisa Britton, Stephanie Farquhar, Laurie Hadley, Rene Pherret and Brenda Steiner; and team mascot Carla Chambers; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit copies of this resolution to the coaches, players, rally squad members and the team mascot of Mark Morris High School.

#### INTRODUCTION OF SPECIAL GUESTS

The President introduced the members of the Mark Morris boys' basketball state AA high school championship team who were seated in the gallery.

There being no objection, the President reverted the Senate to the seventh order of business.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 313, deferred on third reading and final passage March 27, 1987.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 313.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 313 and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Absent: Senator Johnson - 1.

Excused: Senators Bauer, Bluechel, McDermott - 3.

SUBSTITUTE HOUSE BILL NO. 313, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President returned the Senate to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 6020, by Senator Peterson

Relating to transportation.

#### MOTIONS

On motion of Senator Hansen, Substitute Senate Bill No. 6020 was substituted for Senate Bill No. 6020 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hansen, the rules were suspended, Substitute Senate Bill No. 6020 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 6020.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 6020 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senator West - 1.

Excused: Senator Bauer - 1.

SUBSTITUTE SENATE BILL NO. 6020, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 795, by Representatives Meyers, Padden and Lewis

Authorizing retired authorized persons to solemnize marriages.

The bill was read the second time.

#### MOTIONS

On motion of Senator Bottiger, the following amendment was adopted:  
On page 1, line 9, after "courts," insert "superior court commissioners"

On motion of Senator Talmadge, the rules were suspended, House Bill No. 795, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 795, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 795, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Bauer - 1.

HOUSE BILL NO. 795, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 10:51 a.m., on motion of Senator Bottiger, the Senate adjourned until 12:00 noon, Thursday, April 2, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## EIGHTY-FIRST DAY

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### NOON SESSION

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Senate Chamber, Olympia, Thursday, April 2, 1987

The Senate was called to order at 12:00 noon by President Cherberg. No roll call was taken.

The Sergeant at Arms Color Guard, consisting of Pages Jennifer Hoxit and Vonnie May, presented the Colors. Reverend Richard Hart, senior pastor of the First Baptist Church of Olympia, offered the prayer.

#### MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

#### REPORTS OF STANDING COMMITTEES

April 1, 1987

SHB 20 Prime Sponsor, Committee on State Government: Revising the office of minority and women's business enterprises. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, Talmadge.

Passed to Committee on Rules for second reading.

April 1, 1987

SHB 42 Prime Sponsor, Committee on Judiciary: Authorizing the warrantless arrest of minors for the acquisition, possession, or consumption of alcohol. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Bottiger, McCaslin, Moore, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

March 31, 1987

SHB 56 Prime Sponsor, Committee on Natural Resources: Modifying provisions relating to surface mining permits and fees. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Owen, Chairman; DeJarnatt, Vice Chairman; Barr, Craswell, McDonald, Metcalf, Stratton.

Passed to Committee on Rules for second reading.

March 31, 1987

HB 67 Prime Sponsor, Representative Rayburn: Exempting the conditioning of seed for out-of-state sales from business and occupation taxation. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Craswell, Deccio, Fleming, Kreidler, Lee, McDonald, Moore, Owen, Talmadge, Vognild, Warnke.

Passed to Committee on Rules for second reading.

March 31, 1987

ESHB 83 Prime Sponsor, Committee on Transportation: Including on a driver's record only accidents in which the driver was at fault. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Tanner, Vice Chairman; Bailey, Bender, Conner, DeJarnatt, Garrett, Halsan, Nelson.

Passed to Committee on Rules for second reading.

April 1, 1987

ESHB 88 Prime Sponsor, Committee on State Government: Revising provisions governing personal service contracts. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

March 31, 1987

ESHB 99 Prime Sponsor, Committee on Health Care: Creating the Washington state health insurance pool. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Fleming, McDermott, Metcalf, von Reichbauer.

MINORITY recommendation: Do not pass as amended. Signed by Senator Pullen.

Passed to Committee on Rules for second reading.

March 31, 1987

SHB 152 Prime Sponsor, Committee on Human Services: Revising the membership and duties of the state advisory committee to the department of social and health services. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Tanner.

Passed to Committee on Rules for second reading.

April 1, 1987

E2SHB 210 Prime Sponsor, Committee on Ways and Means/Appropriations: Creating endangered species conservation act. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass as amended. Signed by Senators Kreidler, Chairman; Rinehart, Vice Chairman; Bluechel, Hansen, Kiskaddon.

Passed to Committee on Rules for second reading.

March 31, 1987

SHB 237 Prime Sponsor, Committee on Health Care: Changing provisions relating to emergency medical services. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Tanner.

Passed to Committee on Rules for second reading.

April 1, 1987

ESHB 243 Prime Sponsor, Committee on Constitution, Elections and Ethics: Revising the requirements for statements to describe ballot propositions. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, Talmadge.

Passed to Committee on Rules for second reading.

April 1, 1987

ESHB 283 Prime Sponsor, Committee on Natural Resources: Requiring unauthorized commercial fishing vessels in state waters to stow fishing gear or keep it unavailable. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; DeJarnatt, Vice Chairman; Barr, Conner, Craswell, Metcalf, Patterson.

Passed to Committee on Rules for second reading.

April 1, 1987

SHB 289 Prime Sponsor, Committee on Local Government: Revising regulation of public dances and recreational activities. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

April 1, 1987

SHB 291 Prime Sponsor, Committee on Constitution, Elections and Ethics: Revising procedures for voter challenges. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Bottiger, McCaslin, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

April 1, 1987

ESHB 298 Prime Sponsor, Committee on Local Government: Permitting certain library districts, metropolitan park districts, fire protection districts, and public hospital districts to withdraw areas from their boundaries. Reported by Committee on Rules

MAJORITY recommendation: Refer to Committee on Ways and Means. Signed by John A. Cherberg, Chairman; Senators Rasmussen, Vice Chairman; Bauer, Bender, Benitz, Bottiger, Conner, Garrett, Hayner, Newhouse, Sellar, Vognild, von Reichbauer, Zimmerman.

Referred to Committee on Ways and Means.

April 1, 1987

E2SHB 448 Prime Sponsor, Committee on Ways and Means: Establishing the family independence program. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Peterson, Tanner.

Referred to Committee on Ways and Means.

April 1, 1987

2SHB 480 Prime Sponsor, Committee on Ways and Means/Appropriations: Providing protection for Indian children. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Johnson, Kiskaddon, Kreidler, Tanner.

Referred to Committee on Ways and Means.

March 31, 1987

EHB 559 Prime Sponsor, Representative Appelwick: Extending and revising vanpool laws. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Tanner, Vice Chairman; Bailey, Bender, Conner, DeJarnatt, Garrett, Halsan, Nelson, Patterson, Smitherman, von Reichbauer, West.

Held.

April 1, 1987

E2SHB 586 Prime Sponsor, Committee on Ways and Means/Appropriations: Providing for comprehensive child protective services. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass as amended and be refer to Committee on Ways and Means. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Tanner.

Referred to Committee on Ways and Means.

March 31, 1987

SHB 632 Prime Sponsor, Committee on Constitution, Elections and Ethics: Authorizing retirement allowance deductions for political committee dues. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, Talmadge.

MINORITY recommendation: Do not pass. Signed by Senators McCaslin, Zimmerman.

Passed to Committee on Rules for second reading.

March 30, 1987

EHB 668 Prime Sponsor, Representative Braddock: Authorizing the dental disciplinary board to adopt rules governing the use of anesthesia. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Wojahn, Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Tanner.

Passed to Committee on Rules for second reading.

March 30, 1987

HB 748 Prime Sponsor, Representative Baugher: Changing apportionment provisions for funds in the urban arterial trust account. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Peterson, Chairman; Bailey, Barr, Conner, DeJarnatt, Garrett, Halsan, Johnson, Nelson, Patterson, Sellar, Smitherman, von Reichbauer, West.

Passed to Committee on Rules for second reading.

March 31, 1987

SHB 790 Prime Sponsor, Committee on Judiciary: Strengthening the laws regulating timeshares. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Talmadge, Chairman; McCaslin, Nelson, Newhouse.

Referred to Committee on Ways and Means.

March 31, 1987

ESHB 844 Prime Sponsor, Committee on State Government: Authorizing a dependent care plan for state employees. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, Zimmerman.

Passed to Committee on Rules for second reading.

March 30, 1987

SHB 859 Prime Sponsor, Committee on Transportation: Removing the tolls from the Spokane river toll bridge. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Tanner, Vice Chairman; Conner, DeJarnatt, Garrett, Halsan, Johnson, Smitherman, von Reichbauer, West.

Passed to Committee on Rules for second reading.

March 31, 1987

ESHB 927 Prime Sponsor, Committee on Judiciary: Revising the enforcement of judgments. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; McCaslin, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

March 31, 1987

HB 954 Prime Sponsor, Representative Pruitt: Making genderless designations in some of the elections statutes. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

March 31, 1987

SHB 980 Prime Sponsor, Committee on Agriculture and Rural Development: Revising provisions on irrigation districts. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass as amended. Signed by Senators Hansen, Chairman; Bauer, Vice Chairman; Bailey, Barr, Gaspard.

Passed to Committee on Rules for second reading.

April 1, 1987

HB 1204 Prime Sponsor, Representative Locke: Establishing multiple incidents of sexual abuse as an aggravating circumstance for an exceptional sentence. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Bottiger, McCaslin, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

March 31, 1987

HB 1205 Prime Sponsor, Representative Grimm: Providing for the distribution of funds from the water quality account for water pollution control facilities. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Craswell, Deccio, Fleming, Kreidler, Lee, McDonald, Talmadge, Vognild, Williams, Zimmerman.

Passed to Committee on Rules for second reading.

March 31, 1987

EHR 4220 Prime Sponsor, Representative Grimm: Providing funds for school construction. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Patterson, Smitherman, Warnke.

MINORITY recommendation: Do not pass. Signed by Senators Bailey, Benitz, Craswell.

Passed to Committee on Rules for second reading.

## GUBERNATORIAL APPOINTMENT

April 2, 1987

GA 9113 JOHN J. RIPPLE, appointed March 12, 1987, for a term ending August 8, 1989, as a member of the Sentencing Guidelines Commission.  
Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Moore, Nelson, Newhouse.

Passed to Committee on Rules.

## MESSAGES FROM THE HOUSE

April 1, 1987

Mr. President:

The House has passed:

SUBSTITUTE SENATE BILL NO. 5106,

SENATE BILL NO. 5139,

SUBSTITUTE SENATE BILL NO. 5312,

SENATE BILL NO. 5415,

SENATE BILL NO. 5541,

SUBSTITUTE SENATE BILL NO. 5830, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 1, 1987

Mr. President:

The Speaker has signed:

SENATE BILL NO. 5009,

SENATE BILL NO. 5034, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5106,

SENATE BILL NO. 5139,

SUBSTITUTE SENATE BILL NO. 5312,

SENATE BILL NO. 5415,

SENATE BILL NO. 5541,

SUBSTITUTE SENATE BILL NO. 5830.

At 12:08 p.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Friday, April 3, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## EIGHTY-SECOND DAY

## MORNING SESSION

Senate Chamber, Olympia, Friday, April 3, 1987

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Barr, Kreidler and Wojahn. On motion of Senator Bender, Senators Kreidler and Wojahn were excused. On motion of Senator Zimmerman, Senator Barr was excused.

The Sergeant at Arms Color Guard, consisting of Pages Shawn DeForrest and Dean Meier, presented the Colors. Reverend Tim Dolan, pastor of the Westminster Presbyterian Church of Olympia, offered the prayer.

## MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

## REPORTS OF STANDING COMMITTEES

April 2, 1987

SHB 7 Prime Sponsor, Committee on Commerce and Labor: Modifying provisions relating to regulation of professions. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Sellar, Tanner, Vognild, West, Williams, Wojahn.

Passed to Committee on Rules for second reading.

April 1, 1987

ESHB 47 Prime Sponsor, Committee on Ways and Means/Appropriations: Including persons employed as public safety officers in the LEOFF retirement system. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Bauer, Cantu, Craswell, Deccio, Hayner, Kreidler, McDonald, Rinehart, Vognild, Warnke, Williams, Zimmerman.

Passed to Committee on Rules for second reading.

April 2, 1987

HB 112 Prime Sponsor, Representative K. Wilson: Clarifying the age requirement for migratory waterfowl hunting stamps. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; DeJarnatt, Vice Chairman; Barr, Conner, Craswell, McDonald, Metcalf, Patterson.

Passed to Committee on Rules for second reading.

April 2, 1987

2SHB 163 Prime Sponsor, Committee on Ways and Means/Appropriations: Compensating school district boards of directors. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Smitherman, Warnke.

MINORITY recommendation: Do not pass as amended. Signed by Senators Bailey, Benitz, Craswell, Saling.

Passed to Committee on Rules for second reading.

April 2, 1987

ESHB 223 Prime Sponsor, Committee on Natural Resources: Providing increased recreational fishing opportunities for salmon and sturgeon. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; DeJarnatt, Vice Chairman; Barr, Conner, Craswell, Peterson, Stratton.

Passed to Committee on Rules for second reading.

April 2, 1987

SHB 244 Prime Sponsor, Committee on Constitution, Elections and Ethics: Exempting employment applications and employees' and volunteers' names and addresses from public disclosure. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Halsan, Vice Chairman; Bottiger, McCaslin, Nelson.

Passed to Committee on Rules for second reading.

April 1, 1987

ESHB 258 Prime Sponsor, Committee on Health Care: Changing provisions relating to public health fees. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Tanner.

Passed to Committee on Rules for second reading.

April 1, 1987

EHB 308 Prime Sponsor, Representative Zellinsky: Dividing funding of the state ferry system between ferry revenues and the motor vehicle fund. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Bailey, Bender, Conner, Halsan, Johnson, Nelson, Sellar, Smitherman, von Reichbauer.

Passed to Committee on Rules for second reading.

April 1, 1987

SHB 332 Prime Sponsor, Committee on Environmental Affairs: Requiring the department of ecology to implement and operate a waste exchange. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Kreidler, Chairman; Bluechel, Hansen, Kiskaddon.

Referred to Committee on Ways and Means.

April 2, 1987

ESHB 373 Prime Sponsor, Committee on Agriculture and Rural Development: Directing the department of community development to conduct rural development studies. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Bauer, Vice Chairman; Anderson, Bailey, Barr, Gaspard.

Passed to Committee on Rules for second reading.

April 2, 1987

SHB 413 Prime Sponsor, Committee on Judiciary: Providing additional grounds for the modification of child support. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Nelson.

Passed to Committee on Rules for second reading.

April 1, 1987

SHB 418 Prime Sponsor, Committee on Judiciary: Establishing a child support schedule commission. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Bottiger, McCaslin, Moore, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

March 31, 1987

2SHB 426 Prime Sponsor, Committee on Ways and Means/Appropriations: Establishing Columbia River Gorge interstate compact. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Craswell, Deccio, Hayner, Kreidler, Lee, McDonald, Owen, Saling, Talmadge, Warnke, Williams, Zimmerman.

Passed to Committee on Rules for second reading.

April 1, 1987

SHB 439 Prime Sponsor, Committee on Housing: Regulating unfit conditions on premises. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

April 1, 1987

ESHB 447 Prime Sponsor, Committee on Environmental Affairs: Changing provisions relating to water quality discharge permits. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Kreidler, Chairman; Rinehart, Vice Chairman; Hansen.

MINORITY recommendation: Do not pass. Signed by Senator Bluechel.

Referred to Committee on Ways and Means.

April 2, 1987

ESHB 451 Prime Sponsor, Committee on State Government: Creating the office of educational services. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Craswell, Smitherman, Warnke.

Passed to Committee on Rules for second reading.

April 2, 1987

E2SHB 455 Prime Sponsor, Committee on Ways and Means: Enhancing the financing and management of the states' schools. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Smitherman, Warnke.

Referred to Committee on Ways and Means.

April 1, 1987

E2SHB 456 Prime Sponsor, Committee on Ways and Means: Establishing programs to enhance students' ability to learn. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Smitherman, Warnke.

Passed to Committee on Rules for second reading.

April 2, 1987

SHB 476 Prime Sponsor, Committee on Financial Institutions and Insurance: Revising regulations for banks and banking activities. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Fleming, McDermott, Metcalf, Pullen, von Reichbauer.

Passed to Committee on Rules for second reading.

April 2, 1987

ESHB 509 Prime Sponsor, Committee on Environmental Affairs: Limiting the use of landfills for solid waste disposal. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass as amended. Signed by Senators Kreidler, Chairman; Bluechel, Kiskaddon.

Passed to Committee on Rules for second reading.

April 1, 1987

HB 516 Prime Sponsor, Representative Rust: Revising penalties for violation of water pollution statutes. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass. Signed by Senators Kreidler, Chairman; Rinehart, Vice Chairman; Hansen.

MINORITY recommendation: Do not pass. Signed by Senators Bluechel, Kiskaddon.

Passed to Committee on Rules for second reading.

April 2, 1987

HB 541 Prime Sponsor, Representative Jesernig: Revising provisions on joint operating agencies. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Williams, Chairman; Owen, Vice Chairman; Benitz, Cantu, Nelson, Smitherman, Stratton.

Passed to Committee on Rules for second reading.

April 2, 1987

SHB 563 Prime Sponsor, Committee on Health Care: Revising provisions relating to the uniform disciplinary act. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Peterson, Tanner.

Passed to Committee on Rules for second reading.

April 1, 1987

SHB 609 Prime Sponsor, Committee on Environmental Affairs: Requiring department of ecology to look at local factors in phased in compliance schedules for secondary water treatment. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass as amended. Signed by Senators Kreidler, Chairman; Bluechel, Kiskaddon.

Passed to Committee on Rules for second reading.

March 31, 1987

SHB 622 Prime Sponsor, Committee on Financial Institutions and Insurance: Requiring financial institutions to reduce delay between check deposits and fund availability. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Fleming, McDermott, Metcalf.

Passed to Committee on Rules for second reading.

April 1, 1987

SHB 624 Prime Sponsor, Committee on Transportation: Revising qualifications of pilots. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Tanner, Vice Chairman; Bailey, Barr, Bender, Conner, DeJarnatt, Garrett, Halsan, Johnson, Nelson, Patterson, Sellar, Smitherman, von Reichbauer.

Passed to Committee on Rules for second reading.

April 2, 1987

SHB 634 Prime Sponsor, Committee on Commerce and Labor: Prohibiting employment of individuals without required plumbing certificates. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Tanner, Vognild, West, Williams, Wojahn.

Passed to Committee on Rules for second reading.

April 1, 1987

ESHB 645 Prime Sponsor, Committee on Environmental Affairs: Requiring disclosures concerning septic systems upon sale of property. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass. Signed by Senators Kreidler, Chairman; Rinehart, Vice Chairman; Hansen.

MINORITY recommendation: Do not pass. Signed by Senators Bluechel, Kiskaddon.

Passed to Committee on Rules for second reading.

April 2, 1987

ESHB 648 Prime Sponsor, Committee on Agriculture and Rural Development: Changing provisions relating to noxious weed control. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Bauer, Vice Chairman; Anderson, Bailey, Barr, Gaspard.

Passed to Committee on Rules for second reading.

April 1, 1987

HB 662 Prime Sponsor, Representative Vekich: Specifying the grounds for bringing a products liability action based on design defects for firearms or ammunition. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Bottiger, McCaslin, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

March 30, 1987

ESHB 665 Prime Sponsor, Committee on Human Services: Establishing a pilot supplemental security income referral program. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Tanner.

Passed to Committee on Rules for second reading.

April 2, 1987

2SHB 684 Prime Sponsor, Committee on Ways and Means/Appropriations: Revising provisions relating to criminal sentencing. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Bottiger, McCaslin, Nelson, Newhouse.

Referred to Committee on Ways and Means.

March 31, 1987

SHB 697 Prime Sponsor, Committee on Health Care: Revising provisions on long-term care ombudsmen. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Tanner.

Passed to Committee on Rules for second reading.

April 2, 1987

EHB 752 Prime Sponsor, Representative Locke: Revising the definition of second degree assault. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Bottiger, McCaslin, Nelson.

Passed to Committee on Rules for second reading.

April 1, 1987

SHB 786 Prime Sponsor, Committee on Education: Providing for the encouragement and measurement of innovative programs by school districts. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Smitherman, Warnke.

Passed to Committee on Rules for second reading.

April 2, 1987

2SHB 813 Prime Sponsor, Committee on Ways and Means/Appropriations: Creating a governor's commission on children. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Peterson, Tanner.

Referred to Committee on Ways and Means.

March 31, 1987

EHB 814 Prime Sponsor, Representative Lewis: Requiring notification when a person dies from an infectious or communicable disease. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Tanner.

Passed to Committee on Rules for second reading.

March 30, 1987

HB 825 Prime Sponsor, Representative Walk: Revising motor vehicle fund uses. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Bailey, Barr, Bender, DeJarnatt, Garrett, Nelson, Patterson, Sellar, Smitherman, West.

Passed to Committee on Rules for second reading.

April 1, 1987

SHB 832 Prime Sponsor, Committee on Environmental Affairs: Penalizing governmental entities for the unauthorized disposal of solid waste. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass. Signed by Senators Kreidler, Chairman; Rinehart, Vice Chairman; Kiskaddon.

Passed to Committee on Rules for second reading.

April 1, 1987

SHB 833 Prime Sponsor, Committee on State Government: Creating Washington state efficiency study commission. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Pullen, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

April 2, 1987

SHB 857 Prime Sponsor, Committee on Ways and Means/Appropriations: Creating a future teachers conditional scholarship program. Reported by Committee on Education

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Smitherman, Warnke.

Referred to Committee on Ways and Means.

March 31, 1987

ESHB 931 Prime Sponsor, Committee on Health Care: Regulating the possession and distribution of legend drug samples. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Tanner.

Passed to Committee on Rules for second reading.

April 1, 1987

SHB 982 Prime Sponsor, Committee on Education: Permitting the substitution of instructional assistance as a teacher's aide for up to fifteen units of methods and teacher training requirements. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Craswell, Patterson, Saling, Warnke.

Passed to Committee on Rules for second reading.

March 31, 1987

ESHB 995 Prime Sponsor, Committee on Housing: Establishing a mobile home park purchase fund. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Loe, Sellar, Vognild, Williams.

Passed to Committee on Rules for second reading.

March 31, 1987

SHB 1004 Prime Sponsor, Committee on Health Care: Extending the chiropractic disciplinary board. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Tanner.

Passed to Committee on Rules for second reading.

April 2, 1987

HB 1027 Prime Sponsor, Representative Amondson: Providing for the sale of damaged timber from trust lands. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Conner, Craswell, McDonald, Metcalf, Patterson, Peterson, Rasmussen.

Passed to Committee on Rules for second reading.

March 31, 1987

ESHB 1035 Prime Sponsor, Committee on Transportation: Creating the rail development commission. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Tanner, Vice Chairman; Bailey, Barr, Bender, Conner, DeJarnatt, Garrett, Halsan, Nelson, Patterson, Smitherman, West.

Passed to Committee on Rules for second reading.

March 31, 1987

SHB 1043 Prime Sponsor, Committee on Health Care: Establishing procedures for reportable diseases. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Wojahn, Chairman; Anderson, Johnson, Kiskaddon, Kreidler, Tanner.

Passed to Committee on Rules for second reading.

April 2, 1987

HB 1092 Prime Sponsor, Representative Ebersole: Revising definition of condominiums to include parking stalls. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Moore, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

April 1, 1987

SHB 1098 Prime Sponsor, Committee on Natural Resources: Requiring an agreement with the federal government for the exchange of certain tidelands on the Olympic peninsula. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Owen, Chairman; Barr, Craswell, McDonald, Metcalf, Stratton.

Passed to Committee on Rules for second reading.

April 1, 1987

SHB 1117 Prime Sponsor, Committee on Commerce and Labor: Requiring state certification of sheet metal workers. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Lee, Sellar, Vognild, West, Williams.

Passed to Committee on Rules for second reading.

April 2, 1987

EHB 1124 Prime Sponsor, Representative Day: Revising provisions on industrial development corporations. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Vognild, West, Williams, Wojahn.

Passed to Committee on Rules for second reading.

April 1, 1987

HB 1126 Prime Sponsor, Representative Rayburn: Permitting double-sided ballot cards. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, Talmadge.

Passed to Committee on Rules for second reading.

April 2, 1987

SHB 1158 Prime Sponsor, Committee on Commerce and Labor: Establishing a liquor license for qualified duty free exporters to sell beer and wine to vessels for consumption outside the state of Washington. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Sellar, Tanner, Vognild, West, Williams, Wojahn.

Passed to Committee on Rules for second reading.

April 2, 1987

HJM 4005 Prime Sponsor, Representative Pruitt: Requesting an amendment to authorize campaign expenditure and contribution limits. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Newhouse.

Passed to Committee on Rules for second reading.

April 1, 1987

SHJR 4210 Prime Sponsor, Committee on Local Government: Establishing procedures for the adoption of county home rule charters. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Talmadge, Zimmerman.

MINORITY recommendation: Do not pass. Signed by Senator Pullen.

Passed to Committee on Rules for second reading.

April 1, 1987

HJR 4212 Prime Sponsor, Representative Fisher: Lengthening legislative terms. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Garrett, Vice Chairman; DeJarnatt, McCaslin, Talmadge, Zimmerman.

MINORITY recommendation: Do not pass. Signed by Senator Halsan, Chairman.

Passed to Committee on Rules for second reading.

#### GUBERNATORIAL APPOINTMENTS

April 2, 1987

GA 9022 WILLIAM T. TRULOVE, appointed January 31, 1986, for a term ending January 15, 1989, as a member of the Pacific Northwest Electric Power and Conservation Planning Council.  
Reported by Committee on Energy and Utilities

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Williams, Chairman; Owen, Vice Chairman; Benitz, Cantu, Nelson, Smitherman, Stratton.

Passed to Committee on Rules.

April 2, 1987

GA 9078 GEORGE E. NORTHCROFT, appointed October 8, 1986, for a term ending September 30, 1991, as a member of the Board of Trustees for Bellevue Community College District No. 8.  
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Craswell, Saling, Smitherman, Warnke.

Passed to Committee on Rules.

April 2, 1987

GA 9088 JAMES D. AVERS, appointed January 17, 1987, for a term ending September 30, 1991, as a member of the Board of Trustees for Green River Community College District No. 10.  
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Craswell, Saling, Smitherman, Warnke.

Passed to Committee on Rules.

April 2, 1987

GA 9091 GAYER DOMINICK, appointed January 17, 1987, for a term ending September 30, 1991, as a member of the Board of Trustees for Centralia Community College District No. 12.  
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Saling, Smitherman, Warnke.

Passed to Committee on Rules.

April 2, 1987

GA 9097 RUDOLFO CRUZ, appointed January 23, 1987, for a term ending September 30, 1991, as a member of the Board of Trustees for Columbia Basin Community College District No. 19.  
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Craswell, Saling, Smitherman, Warnke.

Passed to Committee on Rules.

April 2, 1987

GA 9099 KAI N. LEE, reappointed January 13, 1987, for a term ending January 15, 1990, as a member of the Pacific Northwest Electric Power and Conservation Planning Council.  
Reported by Committee on Energy and Utilities

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Williams, Chairman; Owen, Vice Chairman; Benitz, Cantu, Nelson, Smitherman, Stratton.

Passed to Committee on Rules.

April 2, 1987

GA 9111 ERNEST M. CONRAD, appointed February 17, 1987, for a term ending September 30, 1991, as a member of the Board of Trustees for Olympic Columbia Basin Community College District No. 3.  
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Barr, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Craswell, Saling, Smitherman, Warnke.

Passed to Committee on Rules.

MESSAGES FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

February 23, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Ludwig Lobe, reappointed February 23, 1987, for a term ending March 1, 1991, as a member of the Health Care Facilities Authority.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Human Services and Corrections.

March 11, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

H. A. "Barney" Goltz, appointed March 11, 1987, for a term ending July 16, 1991, as Chair of the Hospital Commission.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Human Services and Corrections.

MESSAGE FROM THE GOVERNOR

April 2, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:

I have the honor to advise you that on April 2, 1987, Governor Gardner approved the following Senate Bills entitled:

Senate Bill No. 5010

Relating to legislative terms of office.

Senate Bill No. 5060

Relating to pedestrians under the influence of alcohol or drugs.

Senate Bill No. 5197

Relating to the community college international student exchange program for students of foreign nations.

Substitute Senate Bill No. 5330

Relating to the establishment of a revolving fund to accommodate persons of disability in state employ.

Senate Bill No. 5331

Relating to the collection of employment and unemployment data on persons of disability.

Substitute Senate Bill No. 5849

Relating to insurance.

Sincerely,

TERRY SEBRING, Counsel to the Governor

PERSONAL PRIVILEGE

Senator Bottiger: "Mr. President a point of personal privilege. Last night on the way to my hotel, I was stopped by an Olympia Police Officer. I was asked to take a breath analyzer test. I declined to invoke my immunities or privileges and submitted to the test. The two tests indicated my breath alcohol content to be .13 and .12. Following the tests, I was cited by the Olympia Police and I was released on my own recognizance.

"I have embarrassed myself, my family and the Senate. For that, I apologize to each and everyone of you."

## MESSAGE FROM THE HOUSE

April 2, 1987

Mr. President:

The House has passed:

SENATE BILL NO. 5019,  
 SUBSTITUTE SENATE BILL NO. 5046,  
 SENATE BILL NO. 5069,  
 SUBSTITUTE SENATE BILL NO. 5136,  
 SENATE BILL NO. 5146,  
 ENGROSSED SENATE BILL NO. 5149,  
 SUBSTITUTE SENATE BILL NO. 5196,  
 SENATE BILL NO. 5247,  
 SENATE BILL NO. 5277,  
 SENATE BILL NO. 5433,  
 SENATE BILL NO. 5523,  
 SENATE BILL NO. 6038, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

There being no objection, the President advanced the Senate to the sixth order of business.

SECOND READING  
 CONFIRMATION OF GUBERNATORIAL APPOINTMENT

## MOTION

On motion of Senator Talmadge, Gubernatorial Appointment No. 9083, Patricia Anthony, as a member of the Sentencing Guidelines Commission, was confirmed.

## REAPPOINTMENT OF PATRICIA ANTHONY

The Secretary called the roll. The reappointment was confirmed by the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Zimmerman - 46.

Excused: Senators Barr, Kreidler, Wojahn - 3.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 393, by Committee on Judiciary (originally sponsored by Representatives P. King, Padden, Appelwick and Schmidt)

Changing provisions relating to limited partnerships.

The bill was read the second time.

## MOTION

On motion of Senator Vognild, the rules were suspended, Substitute House Bill No. 393 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 393.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 393 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Zimmerman - 46.

Excused: Senators Barr, Kreidler, Wojahn - 3.

SUBSTITUTE HOUSE BILL NO. 393, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 10:18 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 10:53 a.m. by President Cherberg.

## MOTION

On motion of Senator Bender, Senator Tanner was excused.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

## MOTION

On motion of Senator Smitherman, Gubernatorial Appointment No. 9010, Robert Tull, as a member of the State Gambling Commission, was confirmed.

Senators Moore and Anderson spoke to the confirmation of Robert Tull.

APPOINTMENT OF ROBERT TULL

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Kreidler, Tanner - 2.

There being no objection, the President advanced the Senate to the eighth order of business.

## MOTION

Senator Bottiger moved that the following resolution be adopted:

SENATE RESOLUTION 1987-8633

by Senators Bottiger, Bauer, Bender, Conner, Craswell, Halsan, McCaslin, Metcalf, Moore, Nelson, Owen, Rasmussen, Smitherman, Vognild, Warnke and West

WHEREAS, In preparation for the state's Centennial Celebration, the legislative chambers will be refurbished; and

WHEREAS, The successful completion of the restoration project in the Legislative Building Rotunda demonstrates the wisdom and aesthetic merit of carrying out the original vision of the building's designer; and

WHEREAS, The designer's vision can only be realized if existing features which have been added to the Senate Chambers over the years, and which are inconsistent with the original design of the chambers, are modified or removed; and

WHEREAS, The overwhelmingly favorable public response to the work done in the Rotunda demonstrates a popular consensus on the importance and propriety of harmonizing the decor of the entire building with the designer's original vision; and

WHEREAS, The murals added to the walls of the chambers in 1981, while possessed of unique character and recognized artistic value, do not comport with the chamber's original design; and

WHEREAS, Retention of the murals would require changes in the plan for refurbishment of the Senate Chambers;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, that the murals currently hanging in the Senate Chambers be removed; and

BE IT FURTHER RESOLVED, That the Department of General Administration be requested to find a new home for said murals in an appropriate public building.

## MOTION

Senator McDermott moved that the following amendment to Senate Resolution 1987-8633 be adopted:

After the initial "resolved", strike the "and" and insert:

BE IT FURTHER RESOLVED, That prior to any actual removal of such murals, the Attorney General shall thoroughly review the contract entered into September 23, 1980, between the Department of General Administration and the artist who created the murals, ascertain the limits of any possible financial exposure such action might have either to the State or the Senate and render an official opinion to the President of the Senate, the members of the Senate Facilities and Operations Committee and the members of the Ways and Means Committee; and

BE IT FURTHER RESOLVED, That following receipt of the official opinion of the Attorney General, the President of the Senate shall confer with those members of the Senate so advised and, with concurrence of a majority of said members, may in that event authorize the removal of such murals; and

Debate ensued.

Senator McDermott demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator McDermott to Senate Resolution 1987-8633.

#### ROLL CALL

The Secretary called the roll and the motion by Senator McDermott failed and the amendment was not adopted by the following vote: Yeas, 21; nays, 26; excused, 2.

Voting yea: Senators Bailey, Barr, Bluechel, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Hansen, Kiskaddon, McDermott, Moore, Nelson, Patterson, Rinehart, Smitherman, Stratton, Talmadge, Warnke, Williams, Zimmerman - 21.

Voting nay: Senators Anderson, Bauer, Bender, Benitz, Bottiger, Cantu, Craswell, Deccio, Halsan, Hayner, Johnson, Lee, McCaslin, McDonald, Metcalf, Newhouse, Owen, Peterson, Pullen, Rasmussen, Saling, Sellar, Vognild, von Reichbauer, West, Wojahn - 26.

Excused: Senators Kreidler, Tanner - 2.

Debate on Senate Resolution 1987-8633 ensued.

#### POINT OF INQUIRY

Senator Stratton: "Senator McDermott, you're the money man around here. What is the anticipated cost for removing these murals?"

Senator McDermott: "To be honest, Senator Stratton, I really don't know the exact cost. No one is quite sure how they're going to take them down, if they do. That's the will of the body and I am not sure. The problem is how to take them down without damaging, which was the reason for my original amendment. I don't know. No one has given an estimate yet of how much it will cost."

Senator Stratton: "Who is going to pay for the removal?"

Senator McDermott: "The people of the state of Washington."

Senator Stratton: "What is the investment in this art at the present time?"

Senator McDermott: "I think the pieces originally were \$91,000, but they are like the--you know we had an event before when the state commissioned Mark Tobey, probably our most famous artist, to do a piece for this building. It was taken out of this building and now it sits over in the library. That has appreciated now to be one of the most valuable pieces in the whole collection. I think the value of these is much higher than it was when they were put up, so it's something more than \$91,000."

Further debate ensued.

Senator McDermott demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of Senate Resolution 1987-8633.

#### ROLL CALL

The Secretary called the roll and Senate Resolution 1987-8633 was adopted by the following vote: Yeas, 28; nays, 19; excused, 2.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Cantu, Craswell, Deccio, Halsan, Hansen, Hayner, Johnson, Lee, McCaslin, Metcalf, Moore, Nelson, Newhouse, Owen, Peterson, Pullen, Rasmussen, Sellar, Vognild, von Reichbauer, Warnke, West, Wojahn - 28.

Voting nay: Senators Anderson, Bailey, Bluechel, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Kiskaddon, McDermott, McDonald, Patterson, Rinehart, Saling, Smitherman, Stratton, Talmadge, Williams, Zimmerman - 19.

Excused: Senators Kreidler, Tanner - 2.

## MOTION

Senator Talmadge moved that the remarks on adoption of Senate Resolution 1987-8633 be spread upon the journal.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Talmadge to spread the remarks on adoption of Senate Resolution 1987-8633 upon the journal.

The motion by Senator Talmadge failed.

There being no objection, the President returned the Senate to the first order of business.

## REPORTS OF STANDING COMMITTEES

April 2, 1987

SB 6071 Prime Sponsor, Senator Talmadge: Conforming the state statute on daylight savings time with the federal statute. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

April 1, 1987

HB 91 Prime Sponsor, Representative H. Sommers: Changing provisions relating to state employee incentives. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Pullen, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

April 2, 1987

SHB 97 Prime Sponsor, Committee on Local Government: Modifying provisions relating to sale of property by special districts. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

April 1, 1987

ESHB 118 Prime Sponsor, Committee on Local Government: Providing procedures for vacation and alteration of plats. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Zimmerman.

Passed to Committee on Rules for second reading.

March 31, 1987

EHB 161 Prime Sponsor, Representative Fisher: Requiring motorcycle helmets. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Hansen, Vice Chairman; Tanner, Vice Chairman; Barr, Bender, Conner, DeJarnatt, Patterson, Smitherman, von Reichbauer.

Passed to Committee on Rules for second reading.

April 3, 1987

HB 310 Prime Sponsor, Representative Zellinsky: Requiring insurers writing comprehensive and collision policies to also offer financing coverage. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Fleming, McDermott, Metcalf.

Passed to Committee on Rules for second reading.

April 2, 1987

ESHB 341 Prime Sponsor, Committee on Financial Institutions and Insurance: Revising the corporate powers of banks. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Fleming, McDermott, Metcalf.

Passed to Committee on Rules for second reading.

April 3, 1987

SHB 366 Prime Sponsor, Committee on Financial Institutions and Insurance: Revising the maximum interest rate calculation on retail installment contracts for the purchase of motor vehicles. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Fleming, McDermott, Metcalf, Pullen, von Reichbauer.

Passed to Committee on Rules for second reading.

April 1, 1987

HB 395 Prime Sponsor, Representative K. Wilson: Authorizing the department of transportation to participate with owners of real estate in financing improvement projects. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Bailey, Barr, Bender, Conner, DeJarnatt, Garrett, Halsan, Nelson, Patterson, Sellar, Smitherman, von Reichbauer.

Passed to Committee on Rules for second reading.

April 3, 1987

ESHB 402 Prime Sponsor, Committee on Financial Institutions and Insurance: Strengthening underinsured motorist coverage. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass as amended. Signed by Moore, Chairman; Bender, Vice Chairman; Bottiger, Fleming, McDermott.

Passed to Committee on Rules for second reading.

April 1, 1987

HB 431 Prime Sponsor, Representative Ferguson: Exempting emergency vehicles from restrictions on television receivers and headphones. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Peterson, Chairman; Tanner, Vice Chairman; Barr, Conner, DeJarnatt, Garrett, Nelson, Patterson, Sellar, von Reichbauer.

Passed to Committee on Rules for second reading.

April 2, 1987

SHB 449 Prime Sponsor, Committee on State Government: Consolidating administrative functions of the board of accountancy and the board of pharmacy. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, Talmadge.

MINORITY recommendation: Do not pass. Signed by Senator Zimmerman.

Passed to Committee on Rules for second reading.

April 2, 1987

SHB 537 Prime Sponsor, Committee on Transportation: Creating a single ferry advisory committee. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Tanner, Vice Chairman; Bailey, Barr, Bender, Garrett, Halsan, Johnson, Nelson, Patterson, Smitherman, von Reichbauer, West.

Passed to Committee on Rules for second reading.

April 2, 1987

SHB 646 Prime Sponsor, Committee on Human Services: Establishing an alcoholism and drug addiction treatment and shelter program. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Peterson, Tanner.

Referred to Committee on Ways and Means.

April 3, 1987

EHB 713 Prime Sponsor, Representative Winsley: Revising provisions on debt-related securities. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Fleming, McDermott, Metcalf, Pullen, von Reichbauer.

Passed to Committee on Rules for second reading.

April 3, 1987

HB 854 Prime Sponsor, Representative Lux: Requiring insurers to allow conversion of group term insurance. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Fleming, McDermott, Metcalf.

Passed to Committee on Rules for second reading.

April 1, 1987

HB 916 Prime Sponsor, Representative Appelwick: Providing an excise tax on refuse collection businesses. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Bauer, Bluechel, Craswell, Fleming, Kreidler, Lee, McDonald, Owen, Rinehart, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

April 3, 1987

SHB 920 Prime Sponsor, Committee on Financial Institutions and Insurance: Providing specific insurance rate-making criteria for passenger cars with safety and anti-theft devices. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Fleming, Metcalf, Pullen, von Reichbauer.

Passed to Committee on Rules for second reading.

#### MOTION

At 12:23 p.m. on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 5:54 p.m. by President Pro Tempore Rasmussen.

## REPORTS OF STANDING COMMITTEES

- April 2, 1987
- EHB 24 Prime Sponsor, Representative Sutherland: Permitting waiver of penalties for late payment of motor vehicle fuel tax. Reported by Committee on Transportation
- MAJORITY recommendation: Do pass as amended. Signed by Senators Peterson, Chairman; Hansen, Chairman; Tanner, Vice Chairman; Bailey, Barr, Bender, Conner, DeJarnatt, Garrett, Halsan, Johnson, Nelson, Patterson, Smitherman, West.
- Passed to Committee on Rules for second reading.
- April 2, 1987
- HB 86 Prime Sponsor, Representative Brough: Requiring notice about sewer or water improvements to be sent to certain additional property owners. Reported by Committee on Governmental Operations
- MAJORITY recommendation: Do pass as amended. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; McCaslin, Talmadge, Zimmerman.
- Passed to Committee on Rules for second reading.
- April 3, 1987
- HB 110 Prime Sponsor, Representative Lewis: Changing provisions relating to the sale of alcohol to minors. Reported by Committee on Commerce and Labor
- MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Lee, Sellar, Vognild, West, Williams, Wojahn.
- Passed to Committee on Rules for second reading.
- April 3, 1987
- ESHB 115 Prime Sponsor, Committee on Environmental Affairs: Providing for single authority to be responsible for solid waste management and eliminating city comprehensive solid waste management plans. Reported by Committee on Parks and Ecology
- MAJORITY recommendation: Do pass as amended. Signed by Kreidler, Chairman; Rinehart, Vice Chairman; Hansen.
- Passed to Committee on Rules for second reading.
- April 2, 1987
- SHB 116 Prime Sponsor, Committee on Local Government: Modifying procedures for administrative approval of plats. Reported by Committee on Governmental Operations
- MAJORITY recommendation: Do pass as amended. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; McCaslin, Zimmerman.
- Passed to Committee on Rules for second reading.
- April 2, 1987
- SHB 117 Prime Sponsor, Committee on Local Government: Prohibiting expansion of areas annexed for municipal purposes unless for enlargement of original municipal purposes. Reported by Committee on Governmental Operations
- MAJORITY recommendation: Do pass as amended. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Talmadge.
- Passed to Committee on Rules for second reading.
- April 2, 1987
- SHB 129 Prime Sponsor, Committee on Human Services: Adopting the omnibus credentialing act for counselors. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Wojahn, Chairman; Kiskaddon, Kreidler, Peterson, Tanner.

Passed to Committee on Rules for second reading.

April 3, 1987

E2SHB 164 Prime Sponsor, Committee on Ways and Means/Appropriations: Providing funding for the Washington housing trust fund. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Vognil, West, Williams, Wojahn.

Passed to Committee on Rules for second reading.

April 2, 1987

ESHB 168 Prime Sponsor, Committee on Local Government: Revising provisions on fire service district service charges. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; McCaslin, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

April 2, 1987

ESHB 249 Prime Sponsor, Committee on Housing: Revising provisions on non-energy-related building codes. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, Talmadge.

Passed to Committee on Rules for second reading.

March 31, 1987

SHB 259 Prime Sponsor, Committee on Health Care: Modifying provisions governing water recreation. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Kiskaddon, Kreidler, Tanner.

Passed to Committee on Rules for second reading.

April 2, 1987

SHB 264 Prime Sponsor, Committee on Environmental Affairs: Prohibiting use of tobacco products in health care facilities. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Peterson, Tanner.

Passed to Committee on Rules for second reading.

April 2, 1987

SHB 274 Prime Sponsor, Committee on Human Services: Changing provisions relating to how department of social and health services recovers overpayments of benefits to recipients and vendors. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Peterson, Tanner.

Passed to Committee on Rules for second reading.

April 2, 1987

SHB 364 Prime Sponsor, Committee on Commerce and Labor: Changing provisions relating to contractor registration and disclosure. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended by Committee on Commerce and Labor. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bruer, Cantu, Deccio, Hayner, Kreidler, McDonald, Moore, Rasmussen, Rinehart, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

April 1, 1987

EHB 396 Prime Sponsor, Representative Cantwell: Authorizing counties and cities to establish transportation benefit districts. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Peterson, Chairman; Tanner, Vice Chairman; Bailey, Barr, Bender, Conner, DeJarnatt, Garrett, Johnson, Nelson, Sellar, Smitherman, von Reichbauer.

Passed to Committee on Rules for second reading.

April 2, 1987

SHB 414 Prime Sponsor, Committee on Environmental Affairs: Requiring toxic emission control plans. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass as amended. Signed by Senators Kreidler, Chairman; Rinehart, Vice Chairman; Hansen.

Passed to Committee on Rules for second reading.

April 3, 1987

SHB 419 Prime Sponsor, Committee on Judiciary: Providing for administrative determination of paternity. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Talmadge, Chairman; Bottiger, Moore, Newhouse.

Referred to Committee on Ways and Means.

April 3, 1987

SHB 420 Prime Sponsor, Committee on Judiciary: Creating the Washington state support registry. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Bottiger, Moore.

Passed to Committee on Rules for second reading.

April 3, 1987

E2SHB 434 Prime Sponsor, Committee on Ways and Means: Providing for procedures to protect the public from hazardous substances. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Kreidler, Chairman; Rinehart, Vice Chairman; Hansen.

MINORITY recommendation: Do not pass. Signed by Senators Bluechel, Kiskaddon.

Referred to Committee on Ways and Means.

April 2, 1987

ESHB 454 Prime Sponsor, Committee on State Government: Revising various boards and commissions. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, Talmadge.

MINORITY recommendation: Do not pass. Signed by Senator Zimmerman.

Passed to Committee on Rules for second reading.

April 2, 1987

SHB 554 Prime Sponsor, Committee on Constitution, Elections and Ethics: Implementing voter registration by mail. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, Talmadge.

MINORITY recommendation: Do not pass. Signed by Senators McCaslin, Pullen, Zimmerman.

Passed to Committee on Rules for second reading.

April 2, 1987

SHB 567 Prime Sponsor, Committee on Human Services: Providing funding sources for county domestic violence prevention programs. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Peterson, Tanner.

Passed to Committee on Rules for second reading.

April 1, 1987

HB 629 Prime Sponsor, Representative Fisch: Expanding the board's authority over pilot discipline. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Tanner, Vice Chairman; Bailey, Barr, Bender, Conner, Garrett, Halsan, Johnson, Nelson, Patterson, Sellar, Smitherman.

Passed to Committee on Rules for second reading.

April 1, 1987

SHB 630 Prime Sponsor, Committee on Transportation: Revising certain pilotage requirements. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Tanner, Vice Chairman; Bailey, Barr, Conner, DeJarnatt, Garrett, Nelson, Patterson, Sellar, Smitherman, von Reichbauer.

Passed to Committee on Rules for second reading.

April 3, 1987

HB 654 Prime Sponsor, Representative Patrick: Changing provisions relating to experience rating for purposes of unemployment insurance contributions by employers. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Lee, Sellar, Vognild, West, Williams, Wojahn.

Passed to Committee on Rules for second reading.

April 3, 1987

SHB 656 Prime Sponsor, Committee on Ways and Means/Appropriations: Establishing program and funding for services for the unemployed. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Lee, Sellar, Vognild, West, Williams, Wojahn.

Passed to Committee on Rules for second reading.

April 3, 1987

SHB 692 Prime Sponsor, Committee on Judiciary: Changing opium dens to houses where controlled substances are made or used in moral nuisance statute. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Bottiger, Moore, Newhouse.

Passed to Committee on Rules for second reading.

April 2, 1987

HB 698 Prime Sponsor, Representative Nutley: Authorizing collection by county treasurers of various local government charges. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; McCaslin, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

April 3, 1987

SHB 739 Prime Sponsor, Committee on Trade and Economic Development: Providing for the allocation of the private activity bond ceiling. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Lee, Sellar, Vognild, West, Williams, Wojahn.

Passed to Committee on Rules for second reading.

April 2, 1987

SHB 767 Prime Sponsor, Committee on Health Care: Regulating respiratory care practitioners. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Kreidler, Tanner.

Passed to Committee on Rules for second reading.

April 3, 1987

SHB 782 Prime Sponsor, Committee on Constitution, Elections and Ethics: Changing reporting requirements for lobbyists. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Bottiger, Moore.

Passed to Committee on Rules for second reading.

April 2, 1987

SHB 790 Prime Sponsor, Committee on Judiciary: Strengthening the laws regulating timeshares. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended by Committee on Judiciary. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Hayner, Kreidler, Moore, Rasmussen, Rinehart, Talmadge, Vognild, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

April 2, 1987

HB 815 Prime Sponsor, Representative Hine: Establishing procedures for enforcement of delinquent storm water control charges. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; McCaslin, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

April 2, 1987

HB 816 Prime Sponsor, Representative Cole: Changing provisions relating to county sheriff civil service systems. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; McCaslin, Pullen, Talmadge.

Passed to Committee on Rules for second reading.

April 2, 1987

SHB 873 Prime Sponsor, Committee on Human Services: Authorizing a study on teenage suicide. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Wojahn, Chairman; Stratton, Vice Chairman; Anderson, Deccio, Johnson, Kiskaddon, Kreidler, Peterson, Tanner.

Passed to Committee on Rules for second reading.

April 3, 1987

ESHB 877 Prime Sponsor, Committee on Judiciary: Specifying period for which pre-judgment interest shall be payable. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Bottiger, Moore.

Passed to Committee on Rules for second reading.

April 2, 1987

HB 883 Prime Sponsor, Representative Crane: Authorizing damage and costs awards for invalid vehicle impoundment. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Bender, Conner, Garrett, Halsan, Nelson, Patterson, Smitherman, West.

Passed to Committee on Rules for second reading.

April 1, 1987

SHB 902 Prime Sponsor, Committee on Local Government: Exempting city and town fire and police chiefs from civil service provisions. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman, DeJarnatt, McCaslin, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

April 2, 1987

SHB 928 Prime Sponsor, Committee on Natural Resources: Establishing procedures for leasing lands for commercial harvesting of subtidal hardshell clams. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Owen, Chairman; Conner, Craswell, McDonald, Metcalf, Patterson, Peterson, Rasmussen.

Passed to Committee on Rules for second reading.

April 2, 1987

SHB 929 Prime Sponsor, Committee on Local Government: Providing for sewer connections by residents of cities, towns, counties, public utility districts, and sewer districts. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, Talmadge.

Passed to Committee on Rules for second reading.

April 2, 1987

HB 959 Prime Sponsor, Representative L. Smith: Specifying powers of initiative and referendum for cities and towns. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; DeJarnatt, McCaslin, Pullen, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

April 2, 1987

SHB 978 Prime Sponsor, Committee on Agriculture and Rural Development: Revising provisions relating to the Yakima river basin enhancement project. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass as amended. Signed by Senators Hansen, Chairman; Bauer, Vice Chairman; Anderson, Bailey, Barr, Gaspard.

Passed to Committee on Rules for second reading.

April 3, 1987

HB 985 Prime Sponsor, Representative Ferguson: Allowing alternative education courses to be completed for reduction of automobile insurance premiums. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Fleming, Metcalf, von Reichbauer.

Passed to Committee on Rules for second reading.

April 3, 1987

SHB 1015 Prime Sponsor, Committee on Commerce and Labor: Authorizing industrial insurance benefits for certain asbestos-related disabilities. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Lee, Vognild, Williams, Wojahn.

Passed to Committee on Rules for second reading.

April 2, 1987

HB 1016 Prime Sponsor, Representative Dellwo: Authorizing lien and low-income fee reduction for county fees for water withdrawal and sewage disposal. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; McCaslin, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

April 2, 1987

EHB 1034 Prime Sponsor, Representative Fisher: Establishing the rail development account. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Peterson, Chairman; Halsan, Vice Chairman; Tanner, Vice Chairman; Bailey, Barr, Bender, Conner, DeJarnatt, Garrett, Halsan, Johnson, Nelson, Patterson, Smitherman, von Reichbauer, West.

Passed to Committee on Rules for second reading.

April 1, 1987

HB 1087 Prime Sponsor, Representative Locke: Changing requirements for property tax exemptions for arts organizations. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Bauer, Bluechel, Cantu, Deccio, Fleming, Hayner, Kreidler, Lee, McDonald, Moore, Owen, Rinehart, Saling, Warnke, Williams, Zimmerman.

Passed to Committee on Rules for second reading.

April 2, 1987

SHB 1132 Prime Sponsor, Committee on Trade and Economic Development: Providing for diversification of economy of Tri-Cities. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Sellar, Tanner, Vognild, West, Williams, Wojahn.

Passed to Committee on Rules for second reading.

April 1, 1987

HB 1137 Prime Sponsor, Representative Locke: Exempting low-income housing owned or operated by certain public corporations from excise tax. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Craswell, Deccio, Fleming, Hayner, Kreidler, Lee, McDonald, Moore, Owen, Rinehart, Saling, Vognild, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

April 2, 1987

SHB 1156 Prime Sponsor, Committee on Trade and Economic Development: Revising distressed area requirements in the community revitalization team program and the development loan fund program. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Anderson, Cantu, Sellar, Vognild, West, Williams, Wojahn.

Passed to Committee on Rules for second reading.

April 3, 1987

SHB 1165 Prime Sponsor, Committee on Commerce and Labor: Authorizing athletic events forecasting contests. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Smitherman, Vice Chairman; Lee, Sellar, Vognild, West.

Passed to Committee on Rules for second reading.

April 3, 1987

SHB 1175 Prime Sponsor, Committee on Financial Institutions and Insurance: Penalizing operation of a motor vehicle without insurance. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Fleming, McDermott, Metcalf, Pullen.

Passed to Committee on Rules for second reading.

April 2, 1987

SHJR 4204 Prime Sponsor, Committee on Constitution, Elections and Ethics: Providing for the filling of vacancies in joint legislative offices. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Halsan, Chairman; Garrett, Vice Chairman; McCaslin, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

April 2, 1987

HCR 4411 Prime Sponsor, Representative Walk: Sponsoring a symposium on "Transportation in the Future". Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Tanner, Vice Chairman; Bailey, Bender, Conner,

DeJarnatt, Garrett, Halsan, Johnson, Nelson, Patterson, Smitherman, von Reichbauer, West.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENT

GA 9109 BARBARA GRANLUND, appointed April 16, 1986, for a term ending August 2, 1988, as a member of the Sentencing Guidelines Commission, succeeding Warren L. Neitherland.  
Reported by Committee on Judiciary

April 3, 1987

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Bottiger Newhouse.

Passed to Committee on Rules.

MOTION

At 5:57 p.m., on motion of Senator Vognild, the Senate adjourned until 9:00 a.m., Monday, April 6, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## EIGHTY-FIFTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Monday, April 6, 1987

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, Bender, Kreidler, McDermott, Moore, Rinehart, Smitherman, Stratton and Wojahn. On motion of Senator Vognild, Senators Bender, Kreidler, McDermott and Stratton were excused.

The Sergeant at Arms Color Guard, consisting of Pages Yvonne Beck and David Stahlkops, presented the Colors. Reverend Ronald F. Marshall, pastor of the First Lutheran Church of West Seattle, and a guest of Senator Phil Talmadge, offered the prayer.

### MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

### MESSAGE FROM THE GOVERNOR

April 3, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on April 3, 1987, Governor Gardner approved the following Senate Bills entitled:

Substitute Senate Bill No. 5193

Relating to mining on public lands.

Substitute Senate Bill No. 5318

Relating to clarifying fire protection districts' authority to issue or revoke burning permits due to air pollution conditions.

Sincerely,

TERRY SEBRING, Legal Counsel to the Governor

There being no objection, the President advanced the Senate to the sixth order of business.

### SECOND READING

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

### MOTION

On motion of Senator Gaspard, Gubernatorial Appointment No. 9025, Lucille M. Carlson, as a member of the Tax Appeals Board, was confirmed.

#### APPOINTMENT OF LUCILLE M. CARLSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 40; absent, 5; excused, 4.

Voting yeas: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalfe, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Zimmerman - 40.

Absent: Senators Bauer, Moore, Rinehart, Smitherman, Wojahn - 5.

Excused: Senators Bender, Kreidler, McDermott, Stratton - 4.

### MOTION

On motion of Senator Gaspard, Gubernatorial Appointment No. 9069, Gary Moore, as a member of the State Investment Board, was confirmed.

## APPOINTMENT OF GARY MOORE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 40; absent, 5; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Talmadge, Tanner, Vognilid, von Reichbauer, Warnke, West, Williams, Zimmerman - 40.

Absent: Senators Bottiger, Moore, Rinehart, Smitherman, Wojahn - 5.

Excused: Senators Bender, Kreidler, McDermott, Stratton - 4.

## MOTION

On motion of Senator Vognilid, Senators Moore, Rinehart and Wojahn were excused.

## MOTION

On motion of Senator Vognilid, gubernatorial appointment No. 9045, Glenna S. Hall, as a member of the State Parks and Recreation Commission, was confirmed.

## APPOINTMENT OF GLENNA S. HALL

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 42; excused, 7.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Talmadge, Tanner, Vognilid, von Reichbauer, Warnke, West, Williams, Zimmerman - 42.

Excused: Senators Bender, Kreidler, McDermott, Moore, Rinehart, Stratton, Wojahn - 7.

## MOTION

At 9:21 a.m., on motion of Senator Vognilid, the Senate was declared to be at ease.

The Senate was called to order at 10:30 a.m. by President Cherberg.

There being no objection, the President reverted the Senate to the fourth order of business.

## MESSAGE FROM THE HOUSE

April 2, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5014 with the following amendments:

On page 3, line 2 after "manner" strike "under" and insert "provided in"

On page 3, line 23 strike "for any of the costs of" and insert "as a condition for"

On page 3, line 33 after "proposals" insert "accepted or accepted in part"

On page 4, line 34 strike "of this section"

On page 4, line 34 strike "or" and insert "of",

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Williams, the Senate concurred in the House amendments to Substitute Senate Bill No. 5014.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5014, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5014, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman,

Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Hayner - 1.

SUBSTITUTE SENATE BILL NO. 5014, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President advanced the Senate to the sixth order of business.

## SECOND READING

HOUSE BILL NO. 663, by Representatives Dellwo and Armstrong

Making breath alcohol testing laws consistent.

The bill was read the second time.

## MOTION

Senator Talmadge moved that the following amendment by Senators Talmadge and Halsan be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 46.20 RCW to read as follows:

The legislature finds and declares:

(1) There is a need to reduce the incidence of drivers on the highways and roads of this state who, because of their use, consumption, or possession of alcohol, pose a danger to the health and safety of other drivers;

(2) One method of dealing with the problem of drinking drivers is to discourage the use of motor vehicles by persons who possess or have consumed alcoholic beverages;

(3) The installation of an ignition interlock breath alcohol device will provide a means of deterring the use of motor vehicles by persons who have consumed alcoholic beverages;

(4) Ignition interlock devices are designed to supplement other methods of punishment that prevent drivers from using a motor vehicle after using, possessing, or consuming alcohol;

(5) It is economically and technically feasible to have an ignition interlock device installed in a motor vehicle in such a manner that the vehicle will not start if the operator has recently consumed alcohol.

NEW SECTION, Sec. 2. A new section is added to chapter 46.20 RCW to read as follows:

The court may order any person convicted of any offense involving the use, consumption, or possession of alcohol while operating a motor vehicle to drive only a motor vehicle equipped with a functioning ignition interlock device, and the restriction shall be for a period of not less than six months.

The court shall establish a specific calibration setting at which the ignition interlock device will prevent the motor vehicle from being started and the period of time that the person shall be subject to the restriction.

For purposes of this section, "convicted" means being found guilty of an offense or being placed on a deferred prosecution program under chapter 10.05 RCW.

NEW SECTION, Sec. 3. A new section is added to chapter 46.20 RCW to read as follows:

For the purposes of sections 3, 5, and 6 of this act, "ignition interlock device" means breath alcohol analyzed ignition equipment, certified by the state commission on equipment, designed to prevent a motor vehicle from being operated by a person who has consumed an alcoholic beverage. The commission shall by rule provide standards for the certification, installation, repair, and removal of the devices.

NEW SECTION, Sec. 4. A new section is added to chapter 46.20 RCW to read as follows:

The department shall attach or imprint a notation on the driver's license of any person restricted under section 3 of this act stating that the person may operate only a motor vehicle equipped with an ignition interlock device.

NEW SECTION, Sec. 5. A new section is added to chapter 46.20 RCW to read as follows:

A person who knowingly assists another person who is restricted to the use of an ignition interlock device to start and operate that vehicle in violation of a court order is guilty of a gross misdemeanor.

The provisions of this section do not apply if the starting of a motor vehicle, or the request to start a motor vehicle, equipped with an ignition interlock device is done for the purpose of safety or mechanical repair of the device or the vehicle and the person subject to the court order does not operate the vehicle.

Sec. 6. Section 3, chapter 186, Laws of 1986 and RCW 46.63.020 are each amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated

as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

(1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;

(2) RCW 46.09.130 relating to operation of nonhighway vehicles;

(3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;

(4) RCW 46.10.130 relating to the operation of snowmobiles;

(5) Chapter 46.12 RCW relating to certificates of ownership and registration;

(6) RCW 46.16.010 relating to initial registration of motor vehicles;

(7) RCW 46.16.160 relating to vehicle trip permits;

(8) RCW 46.16.381(8) relating to unauthorized acquisition of a special decal, license plate, or card for disabled persons' parking;

(9) RCW 46.20.021 relating to driving without a valid driver's license;

((+)) (10) RCW 46.20.336 relating to the unlawful possession and use of a driver's license;

((+)) (11) RCW 46.20.342 relating to driving with a suspended or revoked license;

((+)) (12) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license;

((+)) (13) RCW 46.20.416 relating to driving while in a suspended or revoked status;

((+)) (14) RCW 46.20.420 relating to the operation of a motor vehicle with a suspended or revoked license;

((+)) (15) Section 6 of this act relating to assisting another person to start a vehicle equipped with an ignition interlock device;

(16) Chapter 46.29 RCW relating to financial responsibility;

((+)) (17) RCW 46.44.180 relating to operation of mobile home pilot vehicles;

((+)) (18) RCW 46.48.175 relating to the transportation of dangerous articles;

((+)) (19) RCW 46.52.010 relating to duty on striking an unattended car or other property;

((+)) (20) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;

((+)) (21) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;

((+)) (22) RCW 46.52.100 relating to driving under the influence of liquor or drugs;

((+)) (23) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company and an employer;

((+)) (24) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;

((+)) (25) RCW 46.61.015 relating to obedience to police officers, flagmen, or fire fighters;

((+)) (26) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;

((+)) (27) RCW 46.61.022 relating to failure to stop and give identification to an officer;

((+)) (28) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;

((+)) (29) RCW 46.61.500 relating to reckless driving;

((+)) (30) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;

((+)) (31) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

((+)) (32) RCW 46.61.522 relating to vehicular assault;

((+)) (33) RCW 46.61.525 relating to negligent driving;

((+)) (34) RCW 46.61.530 relating to racing of vehicles on highways;

((+)) (35) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;

((+)) (36) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;

((+)) (37) RCW 46.64.020 relating to nonappearance after a written promise;

((+)) (38) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;

((+)) (39) Chapter 46.65 RCW relating to habitual traffic offenders;

((+)) (40) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;

((+)) (41) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;

((+)) (42) Chapter 46.80 RCW relating to motor vehicle wreckers;

((+)) (43) Chapter 46.82 RCW relating to driver's training schools."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Talmadge and Halsan.

The motion by Senator Talmadge carried and the amendment was adopted.

## MOTIONS

On motion of Senator Talmadge, the following title amendments were considered simultaneously and adopted:

On line 1 of the title, after "testing;" strike "and"

On line 2 of the title, after "46.61.517" and before the period insert "and 46.63.020; adding new sections to chapter 46.20 RCW; and prescribing penalties"

On motion of Senator Talmadge, the rules were suspended, House Bill No. 663, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Patterson: "Senator Talmadge, could you advise us as to the status of the original context of House Bill No. 663?"

Senator Talmadge: "Certainly, Senator. If you look at House Bill No. 1049 which is down the calendar just a bit--page nineteen of the yellow calendar--the essence of House Bill No. 663 is in House Bill No. 1049. It deals with several technical changes and it's there and we will take care of it in House Bill No. 1049."

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 663, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 663, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

HOUSE BILL NO. 663, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President advanced the Senate to the eighth order of business.

## APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chambers of the 1987 Daffodil Festival Court and appointed Senators Gaspard, Wojahn, Johnson, Rasmussen and von Reichbauer to escort the honored guests to the Senate Rostrum.

## MOTION

On motion of Senator Gaspard, the following resolution was adopted:

## SENATE RESOLUTION 1987-8640

by Senators Gaspard, Bottiger, Rasmussen, Johnson, Wojahn, von Reichbauer, Sellar and Zimmerman

WHEREAS, It was suggested in 1933 by Lee Merrill, a photographer, that the daffodil blooms in Sumner, which were normally thrown away for agricultural purposes, be used to decorate bicycles and automobiles for a parade throughout the town of Sumner; and

WHEREAS, This suggestion has grown into the Daffodil Festival Grand Floral Parade, an event which has long been a tradition for many families in the Puyallup Valley; and

WHEREAS, The parade prides itself in being the only parade in the United States to travel through four cities, Tacoma, Puyallup, Sumner and Orting; and

WHEREAS, The Daffodil Festival Grand Floral Parade shares the prestigious honor with the Rose Parade in Pasadena and the Rose Parade in Portland, of being one of only three live floral festivals in the entire nation; and

WHEREAS, The 54th Annual Daffodil Festival Grand Floral Parade will take place April 11, 1987, continuing to bring to the families of Washington State a spirited sense of community; and

WHEREAS, This year's festival theme, "A Quest for Peace" will be reflected among the one-hundred and twenty-one entries of floats, horse units, bands, drill teams and color guards; and

WHEREAS, Daffodil Festival Queen Deborah Renae Harlan from Puyallup High School accompanied today by Princess Stacey Rodgers, first runnerup from Sumner High School, and Princess Debbie Rurup, Miss Congeniality from Eatonville High School, along with the rest of the Daffodil Festival Royal Court will graciously represent the festival throughout the year in community events and activities;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate issues this resolution in recognition of the beauty and joy the Daffodil Festival annually brings to the citizens and families of Washington State and shares with its board of directors, its royal court, and with the hundreds of people who give their time and energy to make the parade and its many festivities possible, their pride and personal accomplishment as the state of Washington celebrates from March 30, 1987 through April 12, 1987, Daffodil Festival Week.

Senators Gaspard and Sellar spoke to the resolution.

#### INTRODUCTION OF SPECIAL GUESTS

The President introduced Daffodil Festival Queen Deborah Renae Harlan, Princess Stacey Rodgers and Princess Debbie Rurup.

With permission of the Senate, business was suspended to permit Queen Deborah to address the Senate.

The honored guests remained on the Senate Rostrum to observe the legislative proceedings of the Senate.

There being no objection, the President returned the Senate to the sixth order of business.

#### SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8412, by Senators Talmadge, Newhouse, McDermott and Bottiger

Establishing a joint select investigative committee on the state convention and trade center.

#### MOTIONS

On motion of Senator Talmadge, Substitute Senate Concurrent Resolution No. 8412 was substituted for Senate Concurrent Resolution No. 8412 and the substitute resolution was placed on second reading and read the second time.

Senator Bluechel moved that the following amendment by Senators Bluechel and Bottiger be adopted:

On page 1, line 19, strike "investigation" and insert "review"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Bluechel and Bottiger.

The motion by Senator Bluechel carried and the amendment was adopted.

#### MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute Senate Concurrent Resolution No. 8412 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Concurrent Resolution No. 8412.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Concurrent Resolution No. 8412 and the resolution passed the Senate by the following vote: Yeas, 43; nays, 5; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Voting nay: Senators Bluechel, Cantu, Craswell, McDonald, Zimmerman - 5.

Absent: Senator Lee - 1.

ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8412, having received the constitutional majority, was declared passed.

## MOTION

On motion of Senator Zimmerman, Senator Lee was excused.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 95, by Committee on Commerce and Labor (originally sponsored by Representatives Wang, Patrick, Sayan, Winsley, Allen, R. King, Baugher, Sutherland, Gallagher, Fisch, Cole, Fisher, Rayburn and Unsoeld)

Requiring contractors providing newly constructed facilities for occupation by state agencies to pay prevailing wage for facility construction.

The bill was read the second time.

## MOTIONS

On motion of Senator Warnke, the following Committee on Commerce and Labor amendment was adopted:

On page 1, line 11, after "RCW." insert "This section shall not apply to any construction project for which a call for competitive bids was made before the effective date of this 1987 act."

On motion of Senator Warnke, the rules were suspended, Engrossed Substitute House Bill No. 95, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 95, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 95, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 26; nays, 22; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Metcalf, Moore, Owen, Peterson, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 26.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, McCaslin, McDonald, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, von Reichbauer, West, Zimmerman - 22.

Excused: Senator Lee - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 95, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 984, by Committee on Commerce and Labor (originally sponsored by Representatives Baugher, Lewis, Appelwick, Patrick, Fisch, Rayburn, Vekich, C. Smith, Fisher, Sayan, Madsen, R. King and Doty)

Authorizing satellite extensions of licensed facilities for parimutuel wagering.

The bill was read the second time.

## MOTIONS

On motion of Senator Warnke, the following amendment by Senators Warnke, Deccio and Newhouse was adopted:

On page 2, line 7, after "its" and before "program" insert "satellite"

On motion of Senator Warnke, the following amendment by Senators Warnke, Deccio and Newhouse was adopted:

On page 2, line 18, strike "and 67.16.175" and insert "67.16.175, and sections 5 and 6 of this act"

On motion of Senator Warnke, the following amendment by Senators Warnke, Deccio and Newhouse was adopted:

On page 5, after line 27 insert the following:

NEW SECTION, Sec. 7. A new section is added to chapter 67.16 RCW to read as follows:

The commission is authorized to establish and collect an annual fee for each separate satellite location. The fee to be collected from the licensee shall be set to reflect the commission's expected costs of approving, regulating, and monitoring each satellite location, provided commission revenues generated under section 5 of this act from the licensee shall be credited annually towards the licensee's fee assessment under this section.

NEW SECTION, Sec. 8. A new section is added to chapter 67.16 RCW to read as follows:

Sections 1 and 5 through 7 of this act shall expire on October 31, 1991, unless extended by law for an additional fixed period of time and shall be subject to review under chapter 43.131 RCW."

On motion of Senator Warnke, the following title amendments were considered simultaneously and adopted:

On page 1, line 2 of the title, after ";" strike "and"

On page 1, line 3 of the title, after "67.16 RCW" insert "; and providing an expiration date"

On motion of Senator Warnke, the rules were suspended, Substitute House Bill No. 984, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## PARLIAMENTARY INQUIRY

Senator Newhouse: "Mr. President, a point of information. How many votes would this bill require?"

## REPLY BY THE PRESIDENT

President Cherberg: "It would require a sixty percent vote, Senator."

Further debate ensued.

## POINT OF INQUIRY

Senator Deccio: "Senator Warnke, this question is to be written into the record. The question is with the amendment in Section 5, subsection (3), will this make it clear that any track with a daily handle at the track when combined with a satellite handle equals 400,000 or more, they will pay three percent on their satellite operations to the Commission?"

Senator Warnke: "Yes."

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 984, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 984, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 32; nays, 15; absent, 1; excused, 1.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, McCaslin, McDermott, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Saling, Sellar, Smitherman, Stratton, Talmadge, Vogt, von Reichbauer, Warnke, West, Wójahn - 32.

Voting nay: Senators Anderson, Bailey, Bluechel, Cantu, Craswell, Hayner, Johnson, Kiskaddon, McDonald, Metcalf, Rasmussen, Rinehart, Tanner, Williams, Zimmerman - 15.

Absent: Senator Kreidler - 1.

Excused: Senator Lee - 1.

SUBSTITUTE HOUSE BILL NO. 984, as amended by the Senate, having received the constitutional sixty percent majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1049, by Representatives Heavey, Patrick, P. King, Padden, Schoon, Todd and May

Authorizing either breath or blood tests for alcoholic content.

The bill was read the second time.

#### MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds the existing statutes that establish the criteria for determining when a person is guilty of driving a motor vehicle under the influence of intoxicating liquor or drugs are constitutional and do not require any additional criteria to ensure their legality. However, the legislature recognizes that there are circumstances, such as when a suspected drunken driver is unconscious or dead, when a direct determination of the alcoholic content of the person's blood is desirable to determine legal rights and responsibilities. The purpose of this act is to provide an additional method of defining the crime of driving while intoxicated. This act is not an acknowledgement that the existing breath alcohol standard is legally improper or invalid.

Sec. 2. Section 1, chapter 176, Laws of 1979 ex. sess. as amended by section 2, chapter 153, Laws of 1986 and RCW 46.61.502 are each amended to read as follows:

A person is guilty of driving while under the influence of intoxicating liquor or any drug if ~~((he))~~ the person drives a vehicle within this state while:

(1) ~~((He))~~ The person has 0.10 grams or more of alcohol per two hundred ten liters of breath, as shown by analysis of ~~((his))~~ the person's breath ~~((-blood, or other bodily substance))~~ made under RCW 46.61.506 ~~((as now or hereafter amended))~~; or

(2) ~~((He))~~ The person has 0.10 percent or more by weight of alcohol in the person's blood as shown by analysis of the person's blood made under RCW 46.61.506; or

(3) The person is under the influence of or affected by intoxicating liquor or any drug; or ~~((3))~~ ~~((He))~~ (4) The person is under the combined influence of or affected by intoxicating liquor and any drug.

The fact that any person charged with a violation of this section is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this section.

Sec. 3. Section 2, chapter 176, Laws of 1979 ex. sess. as amended by section 3, chapter 153, Laws of 1986 and RCW 46.61.504 are each amended to read as follows:

A person is guilty of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug if ~~((he))~~ the person has actual physical control of a vehicle within this state while:

(1) ~~((He))~~ The person has 0.10 grams or more of alcohol per two hundred ten liters of breath, as shown by analysis of ~~((his))~~ the person's breath ~~((-blood, or other bodily substance))~~ made under RCW 46.61.506 ~~((as now or hereafter amended))~~; or

(2) ~~((He))~~ The person has 0.10 percent or more by weight of alcohol in the person's blood as shown by analysis of the person's blood made under RCW 46.61.506; or

(3) The person is under the influence of or affected by intoxicating liquor or any drug; or ~~((3))~~ ~~((He))~~ (4) The person is under the combined influence of or affected by intoxicating liquor and any drug.

The fact that any person charged with a violation of this section is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this section. No person may be convicted under this section if, prior to being pursued by a law enforcement officer, ~~((he))~~ the person has moved the vehicle safely off the roadway.

Sec. 4. Section 3, chapter 1, Laws of 1969 as last amended by section 4, chapter 153, Laws of 1986 and RCW 46.61.506 are each amended to read as follows:

(1) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or any drug, if the amount of alcohol in the person's blood or breath at the time alleged as shown by analysis of his blood ~~((:))~~ or breath ~~((-or other bodily substance))~~ is less than 0.10 percent by weight of alcohol in his blood or 0.10 grams of alcohol per two hundred ten liters of the person's breath, it is evidence that may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor or any drug.

(2) The breath analysis shall be based upon grams of alcohol per two hundred ten liters of breath. The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of intoxicating liquor or any drug.

(3) Analysis of the person's blood or breath to be considered valid under the provisions of this section or RCW 46.61.502 or 46.61.504 shall have been performed according to methods approved by the state toxicologist and by an individual possessing a valid permit issued by the state toxicologist for this purpose. The state toxicologist is directed to approve satisfactory techniques or methods, to supervise the examination of individuals to ascertain their qualifications and competence to conduct such analyses, and to issue permits which shall be subject to termination or revocation at the discretion of the state toxicologist.

(4) When a blood test is administered under the provisions of RCW 46.20.308, the withdrawal of blood for the purpose of determining its alcoholic content may be performed only by a physician, a registered nurse, or a qualified technician. This limitation shall not apply to the taking of breath specimens.

(5) The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of his own choosing administer one or more tests in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

(6) Upon the request of the person who shall submit to a test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to him or his attorney.

Sec. 5. Section 27, chapter 165, Laws of 1983 as last amended by section 2, chapter 64, Laws of 1986 and RCW 46.61.517 are each amended to read as follows:

The refusal of a person to submit to a test of the alcoholic content of ~~(his)~~ the person's blood or breath under RCW 46.20.308 is admissible into evidence at a subsequent criminal trial.

Sec. 6. Section 2, chapter 267, Laws of 1985 as amended by section 6, chapter 153, Laws of 1986 and RCW 88.02.095 are each amended to read as follows:

(1) It shall be unlawful for any person to operate a vessel in a negligent manner, except a commercial vessel which has or is required to have a valid marine document as a vessel of the United States and is operating in the navigable waters of the United States. For the purpose of this section, to "operate in a negligent manner" shall be construed to mean the operation of a vessel in such manner as to endanger or be likely to endanger any persons or property.

(2) A person is guilty of operating a vessel while under the influence of intoxicating liquor or any drug if the person operates a vessel within this state while:

(a) The person has 0.10 grams or more of alcohol per two hundred ten liters of breath, as shown by analysis of the person's breath ~~((blood, or other bodily substance))~~ made under RCW 46.61.506; or

(b) The person has 0.10 percent or more by weight of alcohol in the person's blood, as shown by analysis of the person's blood made under RCW 46.61.506 ; or

(c) The person is under the influence of or affected by intoxicating liquor or any drug; or  
~~((c))~~ (d) The person is under the combined influence of or affected by intoxicating liquor and any drug.

The fact that any person charged with a violation of this section is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this section. A person cited under this subsection may upon request be given a breath test for ~~((blood))~~ breath alcohol or may request to have a blood sample taken for blood alcohol analysis. An arresting officer shall administer field sobriety tests when circumstances permit.

(3) For the purposes of this section, "vessel" means any watercraft used or capable of being used as a means of transportation on the water.

(4) For the purpose of this section, "vessel operator" means a person who is in actual physical control of a vessel.

(5) A violation of this section is a misdemeanor, punishable by up to ninety days in jail and by a fine of not more than one thousand dollars. In addition, the court may order the defendant to pay restitution for any damages or injuries resulting from the offense.

Sec. 7. Section 6, chapter 232, Laws of 1983 as amended by section 1, chapter 153, Laws of 1986 and RCW 9.41.098 are each amended to read as follows:

(1) The superior courts and the courts of limited jurisdiction of the state may order forfeiture of a firearm which is proven to be:

(a) Found concealed on a person not authorized by RCW 9.41.060 or 9.41.070 to carry a concealed pistol: PROVIDED, That it is an absolute defense to forfeiture if the person possessed a valid Washington concealed pistol license within the preceding two years and has not become ineligible for a concealed pistol license in the interim. Before the firearm may be returned, the person must pay the past due renewal fee and the current renewal fee;

(b) Commercially sold to any person without an application as required by RCW 9.41.090;

(c) Found in the possession or under the control of a person at the time the person committed or was arrested for committing a crime of violence or a crime in which a firearm was used or displayed or a felony violation of the uniform controlled substances act, chapter 69.50 RCW;

(d) Found concealed on a person who is in any place in which a concealed pistol license is required, and who is under the influence of any drug or under the influence of intoxicating liquor, having 0.10 grams or more of alcohol per two hundred ten liters of breath or 0.10 percent or more by weight of alcohol in the person's blood, as shown by analysis of ~~(his)~~ the person's breath, blood, or other bodily substance;

(e) Found in the possession of a person prohibited from possessing the firearm under RCW 9.41.040;

(f) Found in the possession of a person free on bail or personal recognizance pending trial, appeal, or sentencing for a crime of violence or a crime in which a firearm was used or displayed, except that violations of Title 77 RCW shall not result in forfeiture under this section;

(g) Found in the possession of a person found to have been mentally incompetent while in possession of a firearm when apprehended or who is thereafter committed pursuant to chapter 10.77 or 71.05 RCW;

(h) Known to have been used or displayed by a person in the violation of a proper written order of a court of general jurisdiction; or

(i) Known to have been used in the commission of a crime of violence or a crime in which a firearm was used or displayed or a felony violation of the uniformed controlled substances act, chapter 69.50 RCW.

(2) Upon order of forfeiture, the court in its discretion shall order destruction of any firearm that is illegal for any person to possess, retention of the firearm as evidence, appropriate use by a law enforcement agency in the state, donation to a historical museum, or sale at a public auction to a commercial seller. The proceeds from any sale shall be divided as follows: The local jurisdiction shall retain its costs, including actual costs of storage and sale, and shall forward the remainder to the state game commission for use in its firearms training program pursuant to RCW 77.32.155. If the court orders delivery to a law enforcement agency and the agency no longer requires use of the firearm, the agency shall dispose of the firearm in a manner which is consistent with this subsection.

(3) The court shall order the firearm returned to the owner upon a showing that there is no probable cause to believe a violation of subsection (1) of this section existed or the firearm was stolen from the owner or the owner neither had knowledge of nor consented to the act or omission involving the firearm which resulted in its forfeiture.

(4) A law enforcement officer of the state or of any county or municipality may confiscate a firearm found to be in the possession of a person under circumstances specified in subsection (1) of this section. After confiscation, the firearm shall not be surrendered except: (a) To the prosecuting attorney for use in subsequent legal proceedings; (b) for disposition according to an order of a court having jurisdiction as provided in subsection (1) of this section; or (c) to the owner if the proceedings are dismissed or as directed in subsection (3) of this section.

**NEW SECTION, Sec. 8.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On motion of Senator Talmadge, the following title amendment was adopted:

On line 1 of the title, after "content," strike the remainder of the title and insert "amending RCW 46.61.502, 46.61.504, 46.61.506, 46.61.517, 88.02.095, and 9.41.098; and creating a new section."

#### MOTION

On motion of Senator Talmadge, the rules were suspended, House Bill No. 1049, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### MOTION

On motion of Senator Bender, Senator Kreidler was excused.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1049, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1049, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Brauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman,

Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Kreidler, Lee - 2.

HOUSE BILL NO. 1049, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 25, by Committee on State Government (originally sponsored by Representatives H. Sommers, B. Williams, Sayan, Holland, Brekke and P. King) (by request of Legislative Budget Committee)

Revising provisions for state publications.

The bill was read the second time.

## MOTION

Senator Halsan moved that the following Committee on Governmental Operations amendment be adopted:

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 4, chapter 183, Laws of 1982 and RCW 1.30.040 are each amended to read as follows:

It shall be the duty of the law revision commission:

(1) To examine the common law and statutes of the state and current judicial decisions for the purpose of discovering defects and anachronisms in the law, surveying alternative remedies, and recommending needed reforms.

(2) To receive and consider proposed changes in the law recommended by the American law institute, the commissioners for the promotion of uniformity of legislation in the United States, any bar association, or other learned bodies.

(3) To receive and consider suggestions from judges, justices, public officials, lawyers, and the public generally as to defects and anachronisms in the law.

(4) To recommend, from time to time, such changes in the law as it deems necessary to modify or eliminate antiquated and inequitable rules of law, and to bring the law of this state, civil and criminal, into harmony with modern conditions.

(5) To recommend the express repeal of all statutes repealed by implication, or held unconstitutional by the supreme court of the state or the supreme court of the United States.

(6) To promote utilization of sound principles of legal drafting to achieve clarity and precision in legal documents and in the statutory law and administrative rules and regulations.

~~((7) To report its proceedings annually to the legislature on or before January 15, and, if it deems advisable, to accompany its report with proposed legislation to carry out any of its recommendations.))~~

Sec. 2. Section 9, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 7, chapter 139, Laws of 1981 and RCW 9.46.090 are each amended to read as follows:

Subject to RCW 40.07.040, the commission shall, from time to time, make reports to the governor and the legislature covering such matters in connection with this chapter as ~~((he)) the governor and the legislature may require~~~~(and in addition shall prepare and forward to the governor, to be laid before the legislature, a report for the period ending on the thirty-first day of December of 1973, and a report annually thereafter as soon as possible after the close of the fiscal year, which)).~~ These reports shall be ((a)) public documents and contain such general information and remarks as the commission deems pertinent thereto and any information requested by either the governor or members of the legislature: PROVIDED, That the commission appointed pursuant to RCW 9.46.040 may conduct a thorough study of the types of gambling activity permitted and the types of gambling activity prohibited by this chapter and may make recommendations to the legislature as to: (1) Gambling activity that ought to be permitted; (2) gambling activity that ought to be prohibited; (3) the types of licenses and permits that ought to be required; (4) the type and amount of tax that ought to be applied to each type of permitted gambling activity; (5) any changes which may be made to the law of this state which further the purposes and policies set forth in RCW 9.46.010 as now law or hereafter amended; and (6) any other matter that the commission may deem appropriate. Members of the commission and its staff may contact the legislature, or any of its members, at any time, to advise it of recommendations of the commission.

Sec. 3. Section 75, chapter 291, Laws of 1977 ex. sess. as last amended by section 1, chapter 287, Laws of 1985 and RCW 13.40.210 are each amended to read as follows:

(1) The secretary shall, except in the case of a juvenile committed by a court to a term of confinement in a state institution outside the appropriate standard range for the offense(s) for which the juvenile was found to be guilty established pursuant to RCW 13.40.030, as now or hereafter amended, set a release or discharge date for each juvenile committed to its custody which shall be within the prescribed range to which a juvenile has been committed. Such

dates shall be determined prior to the expiration of sixty percent of a juvenile's minimum term of confinement included within the prescribed range to which the juvenile has been committed. The secretary shall release any juvenile committed to the custody of the department within four calendar days prior to the juvenile's release date or on the release date set under this chapter: PROVIDED, That days spent in the custody of the department shall be tolled by any period of time during which a juvenile has absented himself or herself from the department's supervision without the prior approval of the secretary or the secretary's designee.

(2) The secretary shall monitor the average daily population of the state's juvenile residential facilities. When the secretary concludes that in-residence population of residential facilities exceeds one hundred five percent of the rated bed capacity specified in statute, or in absence of such specification, as specified by the department in rule, the secretary may recommend reductions to the governor. On certification by the governor that the recommended reductions are necessary, the secretary has authority to administratively release a sufficient number of offenders to reduce in-residence population to one hundred percent of rated bed capacity. The secretary shall release those offenders who have served the greatest proportion of their sentence. However, the secretary may deny release in a particular case at the request of an offender, or if the secretary finds that there is no responsible custodian, as determined by the department, to whom to release the offender, or if the release of the offender would pose a clear danger to society. The department shall notify the committing court of the release (~~and notify each member of the legislature~~) at the end of each calendar year if any such early releases have occurred during that year as a result of excessive in-residence population. In no event shall a serious offender, as defined in RCW 13.40.020(1) be granted release under the provisions of this subsection.

(3) Following the juvenile's release pursuant to subsection (1) of this section, the secretary may require the juvenile to comply with a program of parole to be administered by the department in his or her community which shall last no longer than eighteen months. Such a parole program shall be mandatory for offenders released under subsection (2) of this section. The secretary shall, for the period of parole, facilitate the juvenile's reintegration into his or her community and to further this goal may require the juvenile to: (a) Undergo available medical or psychiatric treatment; (b) report as directed to a parole officer; (c) pursue a course of study or vocational training; (d) remain within prescribed geographical boundaries and notify the department of any change in his or her address; and (e) refrain from committing new offenses. After termination of the parole period, the juvenile shall be discharged from the department's supervision.

(4) The department may also modify parole for violation thereof. If, after affording a juvenile all of the due process rights to which he or she would be entitled if the juvenile were an adult, the secretary finds that a juvenile has violated a condition of his or her parole, the secretary shall order one of the following which is reasonably likely to effectuate the purpose of the parole and to protect the public: (a) Continued supervision under the same conditions previously imposed; (b) intensified supervision with increased reporting requirements; (c) additional conditions of supervision authorized by this chapter; and (d) imposition of a period of confinement not to exceed thirty days in a facility operated by or pursuant to a contract with the state of Washington or any city or county for a portion of each day or for a certain number of days each week with the balance of the days or weeks spent under supervision.

(5) A parole officer of the department of social and health services shall have the power to arrest a juvenile under his or her supervision on the same grounds as a law enforcement officer would be authorized to arrest such person.

(6) If so requested and approved under chapter 13.06 RCW, the secretary shall permit a county or group of counties to perform functions under subsections (3) through (5) of this section.

Sec. 4. Section 23, chapter 279, Laws of 1984 and RCW 18.130.310 are each amended to read as follows:

Subject to RCW 40.07.040, the disciplinary authority shall submit a biennial report to the legislature (~~on January 1 of each odd-numbered year~~) on its proceedings during the biennium, detailing the number of complaints made, investigated, and adjudicated and manner of disposition. The report may include recommendations for improving the disciplinary process, including proposed legislation. The department of licensing shall develop a uniform report format.

Sec. 5. Section 4, chapter 319, Laws of 1977 ex. sess. as last amended by section 37, chapter 466, Laws of 1985 and RCW 19.02.040 are each amended to read as follows:

(1) There is hereby created a board of review to provide policy direction to the department of licensing as it establishes and operates the business registration and licensing system. The board of review shall be composed of the following officials or their designees:

- (a) Director, department of revenue;
- (b) Director, department of labor and industries;
- (c) Commissioner, employment security department;
- (d) Director, department of agriculture;
- (e) Director, department of trade and economic development;

- (f) Director, department of licensing;
- (g) Director, office of financial management;
- (h) Chairman, liquor control board;
- (i) Secretary, department of social and health services;
- (j) Secretary of state;
- (k) The governor; and
- (l) As ex officio members:

(i) The president of the senate or the president's designee;  
 (ii) The speaker of the house or the speaker's designee; and  
 (iii) A representative of a recognized state-wide organization of employers, representing a large cross section of the Washington business community, to be appointed by the governor.

(2) The governor shall be the chairperson. In the governor's absence, the secretary of state shall act as chairperson.

(3) The board shall meet at the call of the chairperson at least semi-annually or at the call of a member to:

- (a) Establish interagency policy guidelines for the system;

(b) Review the findings, status, and problems of system operations and recommend courses of action;

- (c) Receive reports from industry and agency task forces;

(d) Determine in questionable cases whether a specific license is to be included in the master license system;

(e) Review and make recommendations on rules proposed by the business license center and any amendments to or revisions of the center's rules.

~~((4) The board shall submit a report to the legislature each biennium identifying the licenses that the board believes should be added to the list of those processed under the master license system.))~~

Sec. 6. Section 7, chapter 96, Laws of 1974 ex. sess. as last amended by section 11, chapter 360, Laws of 1985 and RCW 19.27.070 are each amended to read as follows:

There is hereby established a state building code council to be appointed by the governor.

(1) The state building code council shall consist of fifteen members, two of whom shall be county elected legislative body members or elected executives and two of whom shall be city elected legislative body members or mayors. One of the members shall be a local government building code enforcement official and one of the members shall be a local government fire service official. Of the remaining nine members, one member shall represent general construction, specializing in commercial and industrial building construction; one member shall represent general construction, specializing in residential and multifamily building construction; one member shall represent the architectural design profession; one member shall represent the structural engineering profession; one member shall represent the mechanical engineering profession; one member shall represent the construction building trades; one member shall represent manufacturers, installers, or suppliers of building materials and components; one member shall be a person with a physical disability and shall represent the disability community; and one member shall represent the general public. At least six of these fifteen members shall reside east of the crest of the Cascade mountains. The council shall include an employee of the office of the insurance commissioner and an employee of the electrical division of the department of labor and industries, as ex officio, nonvoting members with all other privileges and rights of membership. Terms of office shall be for three years. ~~((The board shall report annually to the governor and the legislature on the operation and administration of this chapter. The report shall include a summary of all council decisions relating to updates or amendments to the codes.))~~ The council shall elect a member to serve as chair of the council for one-year terms of office. Any member who is appointed by virtue of being an elected official or holding public employment shall be removed from the council if he or she ceases being such an elected official or holding such public employment. Before making any appointments to the building code council, the governor shall seek nominations from recognized organizations which represent the entities or interests listed in this subsection. Members serving on the council on July 28, 1985, may complete their terms of office. Any vacancy shall be filled by alternating appointments from governmental and nongovernmental entities or interests until the council is constituted as required by this subsection.

(2) Members shall not be compensated but shall receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(3) The department of community development shall provide administrative and clerical assistance to the building code council.

Sec. 7. Section 12, chapter 91, Laws of 1983 as last amended by section 11, chapter 266, Laws of 1986 and RCW 27.34.220 are each amended to read as follows:

The director or the director's designee is authorized:

(1) To promulgate and maintain a state register of districts, sites, buildings, structures, and objects significant in American or Washington state history, architecture, archaeology, and culture, and to prepare comprehensive state-wide history surveys and plans and research

and evaluation of surveyed resources for the preparation of nominations to the state and national registers of historic places, in accordance with criteria approved by the advisory council established under RCW 27.34.250. The nominations shall comply with any standards and regulations promulgated by the United States secretary of the interior for the preservation, acquisition, and development of such properties.

(2) To establish a program of matching grants-in-aid to public agencies, public or private organizations, or individuals for projects having as their purpose the preservation for public benefit of properties that are significant in American or Washington state history, architecture, archaeology, and culture.

(3) To promote historic preservation efforts throughout the state, including private efforts and those of city, county, and state agencies.

(4) To enhance the effectiveness of the state preservation program through the initiation of legislation, the use of varied funding sources, the creation of special purpose programs, and contact with state, county, and city officials, civic groups, and professionals.

(5) To spend funds, subject to legislative appropriation and the availability of funds, where necessary to assist the Indian tribes of Washington state in removing prehistoric human remains for scientific examination and reburial, if the human remains have been unearthed inadvertently or through vandalism and if no other public agency is legally responsible for their preservation.

(6) To consult with the governor and the legislature on issues relating to the conservation of the man-made environment and their impact on the well-being of the state and its citizens. ~~((The department shall submit periodic reports of its activities under this chapter to the governor and the legislature.))~~

(7) To charge fees for professional and clerical services provided by the office.

(8) To adopt such rules, in accordance with chapter 34.04 RCW, as are necessary to carry out RCW 27.34.200 through ~~((27.34.290))~~ 27.34.280.

Sec. 8. Section 1, chapter 90, Laws of 1975-'76 2nd ex. sess. as last amended by section 1, chapter 137, Laws of 1986 and RCW 28A.58.090 are each amended to read as follows:

Every school district board of directors, being accountable to the citizens within its district as to the education offered to the students therein, shall, based on the timeline established by the superintendent of public instruction, develop a program identifying student learning objectives for their district in all courses of study included in the school district programs. The school district must evidence community participation in defining the objectives of such a program. The program of student learning objectives shall assure that the district's resources in the educational program, such as money, facilities, time, materials and personnel, are used so as to provide both economies in management and operation, and quality education in all subject areas and courses. The learning objectives shall be measurable as to the actual student attainment; student attainment shall be locally assessed annually. The student learning objectives program shall be reviewed at least every two years. However, a school district may instead provide for the periodic review of all or a part of its student learning objectives program in accordance with the time schedule the district has established for the periodic review of curriculum or the periodic review and selection of textbooks, or in accordance with the time schedule for self-study as provided under RCW 28A.58.085, if and to the extent the curriculum or textbook review processes include the review or self-study of the district's student learning objectives program. Periodic review shall take place at least every seven years. In developing and reviewing the learning objectives, districts shall give specific attention to improving the depth of course content within courses and in coordinating the sequence in which subject matter is presented.

The superintendent of public instruction shall review implementation of the learning objectives law biennially ~~((and shall submit a report of such review to the legislature on or before January 1 of each odd-numbered year))~~.

The state board of education shall examine the programs in each school district in the state for reasons of program approval as required in accordance with RCW 28A.41.130, as now or hereafter amended.

School districts may obtain assistance in carrying out their duties under this section from the educational service district of which they are a part.

Sec. 9. Section 7, chapter 73, Laws of 1979 as last amended by section 41, chapter 370, Laws of 1985 and RCW 28B.04.070 are each amended to read as follows:

Subject to RCW 40.07.040, the board shall submit to the legislature a biennial evaluation ~~((in January of each even-numbered year))~~ through 1990. The evaluations may include recommendation for future programs as determined by the board.

Sec. 10. Section 4, chapter 343, Laws of 1985 and RCW 28B.10.863 are each amended to read as follows:

The governing board or its designees shall be responsible for soliciting and receiving gifts to be used as matching funds. Each state four-year institution of higher education shall have the responsibility for the maintenance and investment of the endowed funds and for the

administration of the program. ~~((Each institution shall include in a biennial report to the legislature information concerning collection and investment of matching gifts and the establishment of professorships:))~~

Sec. 11. Section 5, chapter 57, Laws of 1971 ex. sess. as amended by section 9, chapter 87, Laws of 1980 and RCW 28B.19.050 are each amended to read as follows:

(1) Any rules adopted after September 1, 1971 shall be filed forthwith with the office of the code reviser. The code reviser shall keep a permanent register of such rules open to public inspection.

(2) Emergency rules adopted under RCW 28B.19.040 shall become effective upon filing. All other rules hereafter adopted shall become effective upon the expiration of thirty days after the date of filing, unless a later date is required by statute or specified in the rule.

~~((3) The code reviser shall report to each regular session of the legislature during an odd-numbered year on the state of compliance of the institutions of higher education with this section. For this purpose, all institutions of higher education shall supply the code reviser with such information as he may request:))~~

Sec. 12. Section 1, chapter 174, Laws of 1974 ex. sess. as last amended by section 10, chapter 87, Laws of 1980 and RCW 28B.20.382 are each amended to read as follows:

Until authorized and empowered to do so by statute of the legislature, the board of regents of the university, with respect to that certain tract of land in the city of Seattle originally known as the "old university grounds" and more recently known as the "Metropolitan Tract" and any land contiguous thereto, shall not sell said land or any part thereof or any improvement thereon, or lease said land or any part thereof or any improvement thereon or renew or extend any lease thereof for a term ending more than sixty years beyond midnight, December 31, 1980. Any sale of said land or any part thereof or any improvement thereon, or any lease or renewal or extension of any lease of said land or any part thereof or any improvement thereon for a term ending more than sixty years after midnight, December 31, 1980, made or attempted to be made by the board of regents shall be null and void unless and until the same has been approved or ratified and confirmed by legislative act.

The board of regents shall have power from time to time to lease said land, or any part thereof or any improvement thereon for a term ending not more than sixty years beyond midnight, December 31, 1980: PROVIDED, That the board of regents shall make a full, detailed report of all leases and transactions pertaining to said land or any part thereof or any improvement thereon ~~((each regular session of the legislature))~~ the legislative budget committee, including one copy to the staff of the committee, during an odd-numbered year: PROVIDED FURTHER, That any and all records, books, accounts and/or agreements of any lessee or sublessee under this section, pertaining to compliance with the terms and conditions of such lease or sublease, shall be open to inspection by the board of regents and/or the ways and means committees of the senate or ~~((the appropriations committee of))~~ the house of representatives or the legislative budget committee or any successor ((committee of either)) committees. It is not intended by this proviso that unrelated records, books, accounts and/or agreements of lessees, sublessees or related companies be open to such inspection.

Sec. 13. Section 2, chapter 57, Laws of 1984 as amended by section 2, chapter 39, Laws of 1985 and RCW 28B.30.537 are each amended to read as follows:

The IMPACT center shall:

(1) Coordinate the teaching, research, and extension expertise of the college of agriculture and home economics at Washington State University to assist in:

(a) The design and development of information and strategies to expand the long-term international markets for Washington agricultural products; and

(b) The dissemination of such information and strategies to Washington exporters, overseas users, and public and private trade organizations;

(2) Research and identify current impediments to increased exports of Washington agricultural products, and determine methods of surmounting those impediments and opportunities for exporting new agricultural products and commodities to foreign markets;

(3) Prepare curricula to present and distribute information concerning international trade in agricultural commodities and products to students, exporters, international traders, and the public;

(4) Provide high-quality research and graduate education and professional nondegree training in international trade in agricultural commodities in cooperation with other existing programs;

(5) Ensure that activities of the center adequately reflect the objectives for the state's agricultural market development programs established by the department of agriculture as the lead state agency for such programs under chapter 43.23 RCW;

(6) Link itself through cooperative agreements with the center for international trade in forest products at the University of Washington, the state department of agriculture, the state department of ~~((commerce))~~ trade and economic development, Washington's agriculture businesses and associations, and other state agency data collection, processing, and dissemination efforts; and

(7) Subject to RCW 40.07.040, report biennially to the governor and the legislature ((December 1 of each year)) on the IMPACT center, state agricultural commodities marketing programs, and the center's success in obtaining nonstate funding for its operation.

Sec. 14. Section 28B.50.070, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 130, Laws of 1986 and RCW 28B.50.070 are each amended to read as follows:

The governor shall make the appointments to the college board.

The college board shall organize, adopt a seal, and adopt bylaws for its administration, not inconsistent herewith, as it may deem expedient and may from time to time amend such bylaws. Annually the board shall elect a chairperson and vice chairperson; all to serve until their successors are appointed and qualified. The college board shall at its initial meeting fix a date and place for its regular meeting. Five members shall constitute a quorum, and no meeting shall be held with less than a quorum present, and no action shall be taken by less than a majority of the college board.

Special meetings may be called as provided by its rules and regulations. Regular meetings shall be held at the college board's established offices in Olympia, but whenever the convenience of the public or of the parties may be promoted, or delay or expenses may be prevented, it may hold its meetings, hearings or proceedings at any other place designated by it. Subject to RCW 40.07.040, the college board shall transmit a report in writing to the governor ((each year)) biennially which report shall contain such information as may be requested by the governor. The fiscal year of the college board shall conform to the fiscal year of the state.

Sec. 15. Section 8, chapter 267, Laws of 1984 and RCW 28C.04.550 are each amended to read as follows:

The Washington award for vocational excellence shall be effective commencing with the 1984-85 academic year. ~~((The commission for vocational education shall report on the program to the legislature and to the governor by January 15, 1985. The report shall include a description of the program, a copy of any rules implementing the program, a list of the participants, and the commission's recommendations for any additional statutory changes needed to improve the program.~~

Hereafter, the commission shall report on the results and effectiveness of this award program to the legislature and the governor on or before January 15 of each odd-numbered year. The 1987 report shall include an evaluation of the effects of expanding the tuition and fee waiver period from one to two years.))

Sec. 16. Section 4, chapter 234, Laws of 1959 as amended by section 11, chapter 87, Laws of 1980 and RCW 34.04.040 are each amended to read as follows:

(1) Each agency shall file forthwith in the office of the code reviser a certified copy of all rules now in effect and hereafter adopted, except the rules contained in tariffs filed with or published by the Washington utilities and transportation commission. The code reviser shall keep a permanent register of such rules open to public inspection.

(2) Emergency rules adopted under RCW 34.04.030 shall become effective upon filing. All other rules hereafter adopted shall become effective upon the expiration of thirty days after the date of filing, unless a later date is required by statute or specified in the rule.

~~((3) The code reviser shall report to each regular session of the legislature during an odd-numbered year on the state of compliance of the agencies with this section. For this purpose, all agencies shall supply the code reviser with such information as he may request.))~~

Sec. 17. Section 4, chapter 221, Laws of 1982 and RCW 34.04.280 are each amended to read as follows:

(1) By November 1, 1982, and each year thereafter, each agency shall provide the office of financial management with a document containing: (a) A list citing the rules identified pursuant to RCW 34.04.270 and the actions, if any, taken by the agency head to change or eliminate the rules; and (b) a list of those rules which cannot be changed or eliminated without conflicting with the statutes authorizing, or dealing with, the rules and a list of such statutes.

(2) The office of financial management shall compile the documents submitted under subsection (1) of this section ~~((and by January 1, 1983, and each year thereafter, shall provide the compilation to the speaker of the house of representatives and the president of the senate.))~~

Sec. 18. Section 7, chapter 120, Laws of 1965 ex. sess. as last amended by section 19 chapter 49, Laws of 1983 1st ex. sess. and RCW 36.78.070 are each amended to read as follows:

The county road administration board shall:

(1) Establish by rule, standards of good practice for county road administration;

(2) Establish reporting requirements for counties with respect to the standards of good practice adopted by the board;

(3) Receive and review reports from counties and reports of the county road administration engineer to determine compliance with legislative directives and the standards of good practice adopted by the board;

(4) Report annually on the first day of July to the state department of transportation ~~((;))~~ and to the chairs of the legislative transportation committee((;)) and the house and senate transportation committees on the status of county road administration in each county, including one copy to the staff of each of the committees. The annual report shall contain recommendations for improving administration of the county road programs;

(5) Administer the rural arterial program established by chapter 36.79 RCW.

Sec. 19. Section 3, chapter 120, Laws of 1983 and RCW 39.19.030 are each amended to read as follows:

There is hereby created the office of minority and women's business enterprises. The governor shall appoint a director for the office, subject to confirmation by the senate. The director may employ a deputy director and a confidential secretary, both of which shall be exempt under chapter 41.06 RCW, and such staff as are necessary to carry out the purposes of this chapter.

The office, with the advice and counsel of the advisory committee on minority and women's business enterprises, shall:

(1) Develop, plan, and implement programs to provide an opportunity for participation by qualified minority and women-owned businesses in public works and the process by which goods and services are procured by state agencies and educational institutions from the private sector;

(2) Develop a comprehensive plan insuring that qualified minority and women-owned businesses are provided an opportunity to participate in public contracts for public works and goods and services;

(3) Identify barriers to equal participation by qualified minority and women-owned businesses in all state agency and educational institution contracts;

(4) Establish annual overall goals for participation by qualified minority and women-owned businesses for each state agency and educational institution to be administered on a contract-by-contract basis or on a class-of-contracts basis;

(5) Develop and maintain a central minority and women's business enterprise certification list for all state agencies and educational institutions. Size of business or length of time in business shall not be considered a prerequisite for the certification list;

(6) Develop, implement, and operate a system of monitoring compliance with this chapter;

(7) Adopt rules under chapter 34.04 or 28B.19 RCW, as appropriate, governing: (a) Establishment of agency goals; (b) development and maintenance of a central minority and women's business enterprise certification program; (c) procedures for monitoring and enforcing compliance with goals, regulations, contract provisions, and this chapter; and (d) utilization of standard clauses by state agencies and educational institutions, as specified in RCW 39.19.050; and

(8) Submit an annual report to the governor (~~and the legislature outlining the progress and economic impact on the public and private sectors of implementing this chapter~~).

Sec. 20. Section 2, chapter 160, Laws of 1986 and RCW 39.58.085 are each amended to read as follows:

With the written approval of the commission, state and local governmental entities may establish demand accounts in out-of-state and alien banks in an aggregate amount not to exceed one million dollars. No single governmental entity shall be authorized to hold more than fifty thousand dollars in one demand account.

The governmental entities establishing such demand accounts shall be solely responsible for their proper and prudent management and shall bear total responsibility for any losses incurred by such accounts. Accounts established under the provisions of this section shall not be considered insured by the commission.

The state auditor shall annually monitor compliance with this section and the financial status of such demand accounts (~~and report the findings to the appropriate committee of the legislature~~);

Sec. 21. Section 9, chapter 300, Laws of 1981 as amended by section 46, chapter 466, Laws of 1985 and RCW 39.84.090 are each amended to read as follows:

(1) Prior to issuance of any revenue bonds, each public corporation shall submit a copy of its enabling ordinance and charter, a description of any industrial development facility proposed to be undertaken, and the basis for its qualification as an industrial development facility to the department of trade and economic development.

(2) If the industrial development facility is not eligible under this chapter, the department of trade and economic development shall give notice to the public corporation, in writing and by certified mail, within twelve working days of receipt of the description.

(3) The department of trade and economic development shall report annually through 1989 to the (legislature) chairs of the committees on ways and means of the senate and house of representatives, including one copy to the staff of each of the committees, and to the governor on the amount of capital investment undertaken under this chapter and the amount of permanent employment reasonably related to the existence of such industrial development facilities.

(4) The department of trade and economic development shall provide such advice and assistance to public corporations and municipalities which have created or may wish to create public corporations as the public corporations or municipalities request and the department of trade and economic development considers appropriate.

Sec. 22. Section 22, chapter 446, Laws of 1985 and RCW 39.86.070 are each amended to read as follows:

The department shall report annually through 1991 at the start of each annual legislative session to the ~~((legislature))~~ chairs of the committees on ways and means of the senate and house of representatives, including one copy to the staff of each of the committees, and to the governor on the allocations of the state ceiling made during the previous year.

Sec. 23. Section 7, chapter 105, Laws of 1975-'76 2nd ex. sess. as last amended by section 33, chapter 3, Laws of 1981 and RCW 41.50.050 are each amended to read as follows:

The director shall:

(1) Have the authority to organize the department into not more than two divisions, each headed by an assistant director;

(2) Have free access to all files and records of various funds assigned to the department and inspect and audit the files and records as deemed necessary;

(3) Employ personnel to carry out the general administration of the department;

(4) Submit an annual written report of the activities of the department to the governor and the ~~((legislature))~~ chairs of the appropriate legislative committees with one copy to the staff of each of the committees, including recommendations for statutory changes the director believes to be desirable;

(5) Adopt such rules and regulations as are necessary to carry out the powers, duties, and functions of the department pursuant to the provisions of chapter 34.04 RCW.

Sec. 24. Section 2, chapter 270, Laws of 1977 ex. sess. as amended by section 3, chapter 188, Laws of 1985 and RCW 43.19.19362 are each amended to read as follows:

There is hereby created a risk management office within the department of general administration. The director of general administration shall implement the risk management policy in RCW 43.19.19361 through the risk management office. The director of general administration shall appoint a risk manager to supervise the risk management office. The risk management office shall make recommendations when appropriate to state agencies on the application of prudent safety, security, loss prevention, and loss minimization methods so as to reduce or avoid risk or loss. The director of general administration shall submit a risk management report biennially to the governor, with ~~((a copy))~~ copies to the chairs of the standing committees having jurisdiction on judiciary and insurance and the ways and means and state governmental operations committees in the senate and the house of representatives ((on or before January 10, 1986, and January 10 of every even-numbered year thereafter)), including one copy to the staff of each of the committees. The management report shall describe the plans, policies, and operation of the risk management office and shall at least include the following:

(1) Success in implementing stated goals and objectives for the risk management office;

(2) Improving loss control and prevention practices;

(3) Self-insuring risks of loss to state-owned property except where bond indentures or other special considerations require the purchase of insurance;

(4) Consolidating insurance coverages for properties requiring insurance by bond indenture;

(5) Establishing an emergency fund to provide assistance to state agencies in the event of serious property loss;

(6) Self-insuring liability risks to public and professional third parties;

(7) Funding of the tort claims revolving fund on an actuarial basis;

(8) A program of excess liability coverage above a selected self-insurance limit;

(9) Identification of cost savings and cost avoidances achieved during the preceding two years; and

(10) Appropriate recommendations for new or amended legislation.

Sec. 25. Section 2, chapter 61, Laws of 1982 and RCW 43.19.538 are each amended to read as follows:

(1) The director of general administration, through the state purchasing director, shall develop specifications and adopt rules for the purchase of paper products which will provide for preferential purchase, when feasible, of paper products containing recycled paper. The specifications shall include:

(a) Giving preference to suppliers of recycled paper products if the bids do not exceed the lowest bid offered by suppliers of paper products that are not recycled.

(b) Requiring paper products with the highest quantity of postconsumer waste.

(c) Requiring paper products that may be recycled or reused to be purchased if the quality, price, and grade are otherwise equal to other paper products.

(2) The recycled paper content specifications shall be reviewed annually to consider increasing the percentage of recycled paper.

~~((3) The director of general administration shall report to the legislature about the revision of specifications under this section by the first day of each annual legislative session.))~~

Sec. 26. Section 5, chapter 86, Laws of 1977 ex. sess. as last amended by section 12, chapter 158, Laws of 1986 and RCW 43.19.660 are each amended to read as follows:

The operation of the printing and duplicating management center shall be financed by the director of the department of general administration from moneys appropriated by the legislature.

The director of the department of general administration shall be responsible for establishing realistic fees to be charged for services rendered by the printing and duplicating management center. The director of financial management shall approve any fees prior to their implementation. All fees and charges collected for services rendered by the printing and duplicating management center shall be deposited in the general fund. It is the intent of RCW 43.19.640 through 43.19.665 that the fees paid by the agencies and the savings experienced from the activities of the printing and duplicating management center shall more than offset the operating costs of the center.

~~((The director of the department of general administration shall, in December of each calendar year, submit a report of all reported savings by each agency for the year to the senate committee on ways and means and the house committee on appropriations.))~~

Sec. 27, Section 13, chapter 62, Laws of 1970 ex. sess. as amended by section 22, chapter 87, Laws of 1980 and RCW 43.21A.130 are each amended to read as follows:

In addition to any other powers granted the director, ~~((he))~~ the director may undertake studies dealing with all aspects of environmental problems involving land, water, or air: PROVIDED, That in the absence of specific legislative authority, such studies shall be limited to investigations of particular problems, and shall not be implemented by positive action ~~((:PROVIDED FURTHER, That the results of all such studies shall be submitted to the legislature prior to thirty days before the beginning of each regular session during an odd-numbered year))~~.

Sec. 28, Section 4, chapter 295, Laws of 1981 and RCW 43.21F.045 are each amended to read as follows:

The energy office shall have the following duties:

(1) The office shall prepare and update contingency plans for implementation in the event of energy shortages or emergencies. The plans shall conform to chapter 43.21G RCW and shall include procedures for determining when these shortages or emergencies exist, the state officers and agencies to participate in the determination, and actions to be taken by various agencies and officers of state government in order to reduce hardship and maintain the general welfare during these emergencies. The office shall coordinate the activities undertaken pursuant to the subsection with other persons. The components of plans that require legislation for their implementation shall be presented to the legislature in the form of proposed legislation at the earliest practicable date. The office shall report to the governor and the legislature on probable, imminent, and existing energy shortages, and shall administer energy allocation and curtailment programs in accordance with chapter 43.21G RCW.

(2) The office shall establish and maintain a central repository in state government for collection of existing data on energy resources, including:

(a) Supply, demand, costs, utilization technology, projections, and forecasts;

(b) Comparative costs of alternative energy sources, uses, and applications; and

(c) Inventory data on energy research projects in the state conducted under public and/or private auspices, and the results thereof.

(3) The office shall coordinate federal energy programs appropriate for state-level implementation, carry out such energy programs as are assigned to it by the governor or the legislature, and monitor federally funded local energy programs as required by federal or state regulations.

(4) The office shall develop energy policy recommendations for consideration by the governor and the legislature.

(5) The office shall provide assistance, space, and other support as may be necessary for the activities of the state's two representatives to the Pacific northwest electric power and conservation planning council. To the extent consistent with federal law, the office shall request that Washington's council members request the administrator of the Bonneville power administration to reimburse the state for the expenses associated with the support as provided in the Pacific northwest electric power planning and conservation act (P.L. 96-501).

(6) The office shall cooperate with state agencies, other governmental units, and private interests on energy matters.

(7) The office shall represent the interests of the state in the siting, construction, and operation of nuclear waste storage and disposal facilities.

(8) The office shall serve as the official state agency responsible for coordination of energy-related activities.

(9) No later than December 1, 1982, and by December 1st of each even-numbered year thereafter, the office shall prepare and transmit to the governor and the legislature a report on energy supply and demand, conservation, and other factors ~~((including but not limited to:~~

(a) An overview of the anticipated energy situation in the state and region;

(b) An assessment of the energy resources available to the state;

(c) A comparison of the costs of available methods to supply and conserve energy;

~~(d) Identification of barriers and constraints to the rapid achievement of conservation and energy resource development, together with proposals for eliminating or reducing the barriers and constraints. The identification shall include but is not limited to statutes and federal, state, or local governmental regulations applicable to the state of Washington;~~

~~(e) A summary of the major energy conservation and resource development programs underway in the state:~~

~~(f) An analysis of the means by which the projected annual rate of energy demand growth may be reduced together with an estimate of the amount of reduction to be obtained by each of the means analyzed, and the cost of each option)) as appropriate.~~

(10) The office shall provide support for increasing cost-effective energy conservation, including assisting in the removal of impediments to timely implementation.

(11) The office shall provide support for the development of cost-effective energy resources including assisting in the removal of impediments to timely construction.

(12) The office shall adopt rules, under chapter 34.04 RCW, necessary to carry out the powers and duties enumerated in this chapter.

Sec. 29. Section 17, chapter 466, Laws of 1985 and RCW 43.31.135 are each amended to read as follows:

(1) In addition to other duties and responsibilities assigned under this chapter:

(a) The director may:

(i) Enter into contracts on behalf of the state to carry out the purposes of this chapter;

(ii) Act for the state in the initiation of or participation in any multigovernmental program relative to the purpose of this chapter; and

(iii) Accept gifts and grants, whether such grants be of federal or other funds;

(b) The director shall:

(i) Prepare and submit for executive and legislative action thereon the budget for the department;

(ii) ~~(Submit a biennial report to the governor and to the legislature on the activities of the department and the nature of existing economic development problems;~~

~~(iii))~~ Submit recommendations for legislative actions as are deemed necessary to further the purposes of this chapter; and

~~((iv))~~ ~~(ii)~~ Adopt rules in accordance with chapter 34.04 RCW and do all other things necessary and proper to carry out the purposes of this chapter.

(2) When federal or other funds are received by the department, they shall be promptly transferred to the state treasurer and thereafter expended only upon the approval of the director.

(3) The director may request information and assistance from all other agencies, departments, and officials of the state, and may reimburse such agencies, departments, or officials when such a request imposes any additional expenses upon any such agency, department, or official.

(4) The director shall, in carrying out the responsibilities of office, consult with governmental officials, private groups, and individuals and with officials of other states, and may, if the director deems it desirable, hold public hearings to obtain information for the purpose of carrying out the purposes of this chapter. All state agencies and their officials and the officials of any political subdivision of the state shall cooperate with and give such assistance to the department, including the submission of requested information, as to allow the department to carry out its purposes under this chapter.

Sec. 30. Section 14, chapter 147, Laws of 1967 ex. sess. as amended by section 5, chapter 195, Laws of 1971 ex. sess. and RCW 43.59.130 are each amended to read as follows:

The Washington state traffic safety commission shall submit a report each biennium outlining programs planned and steps taken toward improving traffic safety to the chair of the legislative transportation committee ~~((by October 1st of each even-numbered year))~~.

Sec. 31. Section 6, chapter 74, Laws of 1967 as amended by section 4, chapter 125, Laws of 1984 and RCW 43.63A.060 are each amended to read as follows:

The director shall supervise and administer the activities of the department and shall advise the governor and the legislature with respect to matters affecting the communities of the state generally and more especially on the extent the state should participate in the provision of services to such communities.

The director may enter into contracts on behalf of the state to carry out the purposes of this chapter; the director may act for the state in the initiation of or participation in any multi-governmental program relative to the purposes of this chapter; and the director may accept gifts and grants, whether such grants be of federal or other funds. When federal or other funds are received by the department they shall be promptly transferred to the state treasurer and thereafter expended only upon the approval of the director. The director shall prepare and submit for executive and legislative action thereon the budget for the department~~((the director shall make a report to the governor and to the legislature in 1985 and biennially thereafter on the activities of the department and the nature of existing community problems;))~~ and after consultation with and approval by the governor, submit such recommendations for legislative action as deemed necessary to further the purposes of this chapter~~((and))~~. The director shall make such rules and regulations and do all other things necessary and proper to carry out the purposes of this chapter.

The director may delegate such functions, powers and duties to other officers and employees of the department as the director deems expedient to the furtherance of the purposes of this chapter.

Sec. 32. Section 7, chapter 125, Laws of 1984 and RCW 43.63A.078 are each amended to read as follows:

The department shall develop and administer a local development matching fund program. To be eligible to receive funds under this program, an organization must be a local government or a nonprofit local development entity. Any local government or entity requesting funds must demonstrate the participation of a cross-section of the local community in the economic development project, including business, labor, education and training, and the public sector. Under this program, the department shall provide matching funds which shall be used for the formulation of local economic development strategies, including the technical analysis necessary to designate and carry out the strategies. A technical analysis can include, but is not limited to, the development and dissemination of data on local markets, demographics, comparative business costs, site availability, labor force characteristics, and local incentives. Funds are to be used primarily to foster new developments and expansions which result in the trading of goods and services outside of the state's borders. Funds may be made available for assisting local businesses in utilizing state and federal programs in exporting, training, and financing. Funds may also be used to provide technical assistance to businesses in the areas of land use, transportation, site location, and manpower training. Matching funds cannot be used for entertainment, capital expenses, hosting, or marketing. Funds granted for economic development projects must be matched by local resources on a dollar-for-dollar basis. Not more than fifty thousand dollars of state matching funds as provided by this section may be used for any one project.

~~((The department shall report annually on December 31 to the governor and the legislature on funds expended and projects developed using matching funds.))~~

Sec. 33. Section 2, chapter 263, Laws of 1985 and RCW 43.63A.220 are each amended to read as follows:

(1) The department of community development is directed to undertake a study as to the best means of providing encouragement and assistance to the formulation of employee stock ownership plans providing for the partial or total acquisition, through purchase, distribution in lieu of compensation, or a combination of these means or any other lawful means, of shares of stock or other instruments of equity in facilities by persons employed at these facilities in cases in which operations at these facilities would, absent employee equity ownership, be terminated, relocated outside of the state, or so reduced in volume as to entail the permanent layoff of a substantial number of the employees.

(2) In conducting its study, the department shall:

(a) Consider federal and state law relating directly or indirectly to plans proposed under subsection (1) of this section, and to the organization and operation of any trusts established pursuant to the plans, including but not limited to, the federal internal revenue code and any regulations promulgated under the internal revenue code, the federal securities act of 1933 as amended and other federal statutes providing for regulation of the issuance of securities, the federal employee retirement income and security act of 1974 as amended, the Chrysler loan guarantee legislation enacted by the United States congress in 1979, and other federal and state laws relating to employment, compensation, taxation, and retirement;

(b) Consult with relevant persons in the public sector, relevant persons in the private sector, including trustees of any existing employee stock ownership trust, and employees of any firm operating under an employee stock ownership trust, and with members of the academic community and of relevant branches of the legal profession;

(c) Examine the experience of trusts organized pursuant to an employee stock ownership plan in this state or in any other state; and

(d) Make other investigations as it may deem necessary in carrying out the purposes of this section.

(3) Pursuant to the findings and conclusions of the study conducted under subsection (2) of this section, the department of community development shall develop a plan to encourage and assist the formulation of employee stock ownership plans providing for the acquisition of stock by employees of facilities in this state which are subject to closure or drastically curtailed operation. The department shall determine the amount of any costs of implementing the plan.

(4) The director of community development shall, within one year of July 28, 1985, report the findings and conclusion of the study, together with details of the plan developed pursuant to the study, to the legislature, and shall include in the report any recommendations for legislation which the director deems appropriate. ~~((Beginning in 1987, the director shall annually submit to the legislature a report concerning the formation of new employee stock ownership trusts and the operation of existing employee stock ownership trusts in this state, and shall include in the report an account of state activity, during the previous year, in connection with these trusts.))~~

(5) The department of community development shall carry out its duties under this section using available resources.

Sec. 34. Section 43.88.090, chapter 8, Laws of 1965 as last amended by section 3, chapter 247, Laws of 1984 and RCW 43.88.090 are each amended to read as follows:

(1) For purposes of developing budget proposals to the legislature, the governor shall have the power, and it shall be the governor's duty, to require from proper agency officials such detailed estimates and other information in such form and at such times as the governor shall direct. The estimates for the legislature and the judiciary shall be transmitted to the governor and shall be included in the budget without revision. Copies of all such estimates shall be transmitted to the standing committees on ways and means of the house and senate at the same time as they are filed with the governor and the office of financial management.

(2) Estimates from each agency shall include goals and objectives for each program administered by the agency. The goals and objectives shall, whenever possible, be stated in terms of objective measurable results. The estimates shall include statements or tables which indicate, by agency, the state funds which are required for the receipt of federal matching revenues. The estimates shall be revised as necessary to reflect legislative enactments and adopted appropriations and shall be included with the initial biennial allotment submitted under RCW 43.88.110.

~~(3) (Each agency shall submit to the office of financial management a report by September 15 of each odd-numbered year on its performance toward the goals and objectives established for the previous fiscal biennium and the goals and objectives established for the current fiscal biennium. Copies of the reports shall be transmitted by the office of financial management to the standing committees on ways and means of the house of representatives and senate and the legislative budget committee by December 31 of each odd-numbered year.~~

(4) In the year of the gubernatorial election, the governor shall invite the governor-elect or the governor-elect's designee to attend all hearings provided in RCW 43.88.100; and the governor shall furnish the governor-elect or the governor-elect's designee with such information as will enable the governor-elect or the governor-elect's designee to gain an understanding of the state's budget requirements. The governor-elect or the governor-elect's designee may ask such questions during the hearings and require such information as the governor-elect or the governor-elect's designee deems necessary and may make recommendations in connection with any item of the budget which, with the governor-elect's reasons therefor, shall be presented to the legislature in writing with the budget document. Copies of all such estimates and other required information shall also be submitted to the standing committees on ways and means of the house and senate.

Sec. 35. Section 11, chapter 10, Laws of 1982 as amended by section 5, chapter 215, Laws of 1986 and RCW 43.88.160 are each amended to read as follows:

This section sets forth the major fiscal duties and responsibilities of officers and agencies of the executive branch. The regulations issued by the governor pursuant to this chapter shall provide for a comprehensive, orderly basis for fiscal management and control, including efficient accounting and reporting therefor, for the executive branch of the state government and may include, in addition, such requirements as will generally promote more efficient public management in the state.

(1) Governor; director of financial management. The governor, through the director of financial management, shall devise and supervise a modern and complete accounting system for each agency to the end that all revenues, expenditures, receipts, disbursements, resources and obligations of the state shall be properly and systematically accounted for. The accounting system shall include the development of accurate, timely records and reports of all financial affairs of the state. The system shall also provide for central accounts in the office of financial management at the level of detail deemed necessary by the director to perform central financial management. The director of financial management shall adopt and periodically update an accounting procedures manual. Any agency maintaining its own accounting and reporting system shall comply with the updated accounting procedures manual and the rules of the director adopted under this chapter. An agency may receive a waiver from complying with this requirement if the waiver is approved by the director. Waivers expire at the end of the fiscal biennium for which they are granted. The director shall forward notice of waivers granted to the legislative fiscal committees. The director of financial management may require such financial, statistical, and other reports as the director deems necessary from all agencies covering any period.

The director of financial management is responsible for quarterly reporting of primary budget drivers such as applicable workloads, caseload estimates, and appropriate unit cost data. These reports shall be transmitted to the legislative fiscal committees or by electronic means to the legislative evaluation and accountability program committee. Quarterly reports shall include actual monthly data and the variance between actual and estimated data to date. The reports shall also include estimates of these items for the remainder of the budget period.

In addition, the director of financial management, as agent of the governor, shall:

(a) Make surveys and analyses of agencies with the object of determining better methods and increased effectiveness in the use of manpower and materials; and the director shall

authorize expenditures for employee training to the end that the state may benefit from training facilities made available to state employees:

(b) Report to the governor with regard to duplication of effort or lack of coordination among agencies;

(c) Review any pay and classification plans, and changes thereunder, developed by any agency for their fiscal impact: PROVIDED, That none of the provisions of this subsection shall affect merit systems of personnel management now existing or hereafter established by statute relating to the fixing of qualifications requirements for recruitment, appointment, or promotion of employees of any agency. The director shall advise and confer with agencies including appropriate standing committees of the legislature as may be designated by the speaker of the house and the president of the senate regarding the fiscal impact of such plans and may amend or alter said plans, except that for the following agencies no amendment or alteration of said plans may be made without the approval of the agency concerned: Agencies headed by elective officials;

(d) Fix the number and classes of positions or authorized man years of employment for each agency and during the fiscal period amend the determinations previously fixed by the director except that the director shall not be empowered to fix said number or said classes for the following: Agencies headed by elective officials;

(e) Provide for transfers and repayments between the budget stabilization account and the general fund as directed by appropriation and RCW 43.88.525 through 43.88.540;

(f) Promulgate regulations to effectuate provisions contained in subsections (a) through (e) hereof.

(2) The treasurer shall:

(a) Receive, keep and disburse all public funds of the state not expressly required by law to be received, kept and disbursed by some other persons: PROVIDED, That this subsection shall not apply to those public funds of the institutions of higher learning which are not subject to appropriation;

(b) Disburse public funds under the treasurer's supervision or custody by warrant or check;

(c) Keep a correct and current account of all moneys received and disbursed by the treasurer, classified by fund or account;

(d) Perform such other duties as may be required by law or by regulations issued pursuant to this law.

It shall be unlawful for the treasurer to issue any warrant or check for public funds in the treasury except upon forms duly prescribed by the director of financial management. Said forms shall provide for authentication and certification by the agency head or ~~(his)~~ the agency head's designee that the services have been rendered or the materials have been furnished; or, in the case of payments for periodic maintenance services to be performed on state owned equipment, that a written contract for such periodic maintenance services is currently in effect and copies thereof are on file with the office of financial management; and the treasurer shall not be liable under the treasurer's surety bond for erroneous or improper payments so made: PROVIDED, That when services are lawfully paid for in advance of full performance by any private individual or business entity other than as provided for by RCW 42.24.035, such individual or entity other than central stores rendering such services shall make a cash deposit or furnish surety bond coverage to the state as shall be fixed in an amount by law, or if not fixed by law, then in such amounts as shall be fixed by the director of the department of general administration but in no case shall such required cash deposit or surety bond be less than an amount which will fully indemnify the state against any and all losses on account of breach of promise to fully perform such services: AND PROVIDED FURTHER, That no payments shall be made in advance for any equipment maintenance services to be performed more than three months after such payment. Any such bond so furnished shall be conditioned that the person, firm or corporation receiving the advance payment will apply it toward performance of the contract. The responsibility for recovery of erroneous or improper payments made under this section shall lie with the agency head or the agency head's designee in accordance with regulations issued pursuant to this chapter.

(3) The state auditor shall:

(a) Report to the legislature the results of current post audits that have been made of the financial transactions of each agency; to this end ~~(he)~~ the auditor may, in the auditor's discretion, examine the books and accounts of any agency, official or employee charged with the receipt, custody or safekeeping of public funds. The current post audit of each agency may include a section on recommendations to the legislature as provided in subsection (3)(c) of this section.

(b) Give information to the legislature, whenever required, upon any subject relating to the financial affairs of the state.

(c) Make the auditor's official report on or before the thirty-first of December which precedes the meeting of the legislature. The report shall be for the last complete fiscal period and shall include at least the following:

Determinations as to whether agencies, in making expenditures, complied with the laws of this state: PROVIDED, That nothing in this act shall be construed to grant the state auditor the

right to perform performance audits. A performance audit for the purpose of this act shall be the examination of the effectiveness of the administration, its efficiency and its adequacy in terms of the programs of departments or agencies as previously approved by the legislature. The authority and responsibility to conduct such an examination shall be vested in the legislative budget committee as prescribed in RCW 44.28.085 as now or hereafter amended.

(d) Be empowered to take exception to specific expenditures that have been incurred by any agency or to take exception to other practices related in any way to the agency's financial transactions and to cause such exceptions to be made a matter of public record, including disclosure to the agency concerned and to the director of financial management. It shall be the duty of the director of financial management to cause corrective action to be taken promptly, such action to include, as appropriate, the withholding of funds as provided in RCW 43.88.110.

(e) Promptly report any irregularities to the attorney general.

(4) The legislative budget committee may:

(a) Make post audits of the financial transactions of any agency and management surveys and program reviews as provided for in RCW 44.28.085 as now or hereafter amended. To this end the committee may in its discretion examine the books, accounts, and other records of any agency, official, or employee.

(b) Give information to the legislature or any legislative committee whenever required upon any subject relating to the performance and management of state agencies.

(c) Make a report to the legislature which shall include at least the following:

(i) Determinations as to the extent to which agencies in making expenditures have complied with the will of the legislature and in this connection, may take exception to specific expenditures or financial practices of any agencies; and

(ii) Such plans as it deems expedient for the support of the state's credit, for lessening expenditures, for promoting frugality and economy in agency affairs and generally for an improved level of fiscal management.

Sec. 36. Section 3, chapter 23, Laws of 1977 as amended by section 144, chapter 151, Laws of 1979 and RCW 43.88.510 are each amended to read as follows:

Not later than ninety days after the beginning of each biennium, the director of financial management shall submit the compiled list of boards, commissions, councils, and committees, together with the information on each such group, that is required by RCW 43.88.505 to:

(1) The speaker of the house and the president of the senate for distribution to the appropriate standing committees, including one copy to the staff of each of the committees; ~~((and))~~

(2) The chair of the legislative budget committee, including a copy to the staff of the committee;

(3) The chairs of the committees on ways and means of the senate and house of representatives; and

(4) Members of the state government committee of the house of representatives and of the governmental operations committee of the senate, including one copy to the staff of each of the committees.

Sec. 37. Section 9, chapter 4, Laws of 1982 as amended by section 2, chapter 261, Laws of 1984 and RCW 43.121.090 are each amended to read as follows:

Subject to RCW 40.07.040, the council shall report ~~((annually))~~ biennially to the governor and to the legislature concerning the council's activities and the effectiveness of those activities in fostering the prevention of child abuse and neglect.

Sec. 38. Section 6, chapter 11, Laws of 1982 1st ex. sess. as amended by section 1, chapter 110, Laws of 1985 and RCW 43.150.060 are each amended to read as follows:

(1) There is created the Washington state council on voluntary action to assist the governor and the center in the accomplishment of its mission.

(2) Giving due consideration to geographic representation, the governor shall appoint the members of the council as provided in this section.

(3) The governor shall appoint a chair for the council.

(4) The advisory council shall have an odd number of members, including its chair, appointed or reappointed for three-year terms, with a total membership of no less than fifteen and no more than twenty-one.

(5) Members of the council shall upon request be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(6) The council and its members shall:

(a) Advise the governor as ~~((he))~~ the governor may request and direct;

(b) Propose, review, and evaluate activities and programs of the center and, to the degree practical, advocate decentralization of the center's activities, facilitate but not require or hinder existing local volunteer services, and not advocate the replacement of needed paid staff with volunteers; and

(c) Represent the governor and the center on such occasions and in such manner as the governor may from time to time provide~~((and~~

~~((d) Deliver to the governor and the legislature on the 15th of December of each year a report outlining the scope and nature of volunteer activities in the state, assessing the need and~~

~~potential for volunteer activities in the state, identifying and recognizing significant accomplishments and services of individual volunteers and volunteer programs, and making such recommendations as the council determines by majority vote).~~

Sec. 39. Section 12, chapter 446, Laws of 1985 and RCW 43.155.070 are each amended to read as follows:

(1) To qualify for loans or pledges under this chapter the board must determine that a local government meets all of the following conditions:

(a) The city or county must be imposing a tax under chapter 82.46 RCW at a rate of at least one-quarter of one percent;

(b) The local government must have developed a long-term plan for financing public works needs; and

(c) The local government must be using all local revenue sources which are reasonably available for funding public works, taking into consideration local employment and economic factors.

(2) The board shall develop a priority process for public works projects as provided in this section. The intent of the priority process is to maximize the value of public works projects accomplished with assistance under this chapter. The board shall attempt to assure a geographical balance in assigning priorities to projects. The board shall consider at least the following factors in assigning a priority to a project:

(a) Whether the local government receiving assistance has experienced severe fiscal distress resulting from natural disaster or emergency public works needs;

(b) Whether the project is critical in nature and would affect the health and safety of a great number of citizens;

(c) The cost of the project compared to the size of the local government and amount of loan money available;

(d) The number of communities served by or funding the project;

(e) Whether the project is located in an area of high unemployment, compared to the average state unemployment; and

(f) Other criteria that the board considers advisable.

(5) Existing debt or financial obligations of local governments shall not be refinanced under this chapter. Each local government applicant shall provide documentation of attempts to secure additional local or other sources of funding for each public works project for which financial assistance is sought under this chapter.

(6) Before November 1 of each year, the board shall develop and submit to the chairs of the ways and means committees of the senate and house of representatives a prioritized list of projects which are recommended for funding by the legislature, including one copy to the staff of each of the committees. The list shall include, but not be limited to, a description of each project and recommended financing, the terms and conditions of the loan or financial guarantee, the local government jurisdiction and unemployment rate, demonstration of the jurisdiction's critical need for the project and documentation of local funds being used to finance the public works project. The list shall also include measures of fiscal capacity for each jurisdiction recommended for financial assistance, compared to authorized limits and state averages, including local government sales taxes; real estate excise taxes; property taxes; and charges for or taxes on sewerage, water, garbage, and other utilities.

(7) The board shall not sign contracts or otherwise financially obligate funds from the public works assistance account before the legislature has appropriated funds for a specific list of public works projects. The legislature may remove projects from the list recommended by the board. The legislature shall not change the order of the priorities recommended for funding by the board.

Sec. 40. Section 13, chapter 446, Laws of 1985 and RCW 43.155.080 are each amended to read as follows:

The board shall keep proper records of accounts and shall be subject to audit by the state auditor. ~~((Biennial reports on the activities of the board shall be made by the chair to the governor and the legislature.))~~

Sec. 41. Section 9, chapter 40, Laws of 1982 1st ex. sess. and RCW 43.160.090 are each amended to read as follows:

The board shall keep proper records of accounts and shall be subject to audit by the state auditor. ~~((Biennial reports on the activities of the board shall be made by the chairman to the governor and the legislature.))~~

Sec. 42. Section 4, chapter 20, Laws of 1983 1st ex. sess. as amended by section 4, chapter 231, Laws of 1985 and RCW 43.210.040 are each amended to read as follows:

(1) The small business export finance assistance center formed under RCW 43.210.020 and 43.210.030 shall have the powers granted under chapter 24.03 RCW. In exercising such powers, the center may:

(a) Solicit and accept grants, contributions, and any other financial assistance from the federal government, federal agencies, and any other sources to carry out its purposes;

(b) Make loans to Washington businesses with annual sales of twenty-five million dollars or less for the purpose of financing exports of goods or services by those businesses to buyers in

foreign countries. Loans by the small business export finance assistance center under this chapter shall not compete with nor be a substitute for available loans by a bank or other financial institution and shall only be considered upon a financial institution's assurance that such loan is not available;

(c) Provide loan guarantees on loans made by financial institutions to businesses with annual sales of one hundred million dollars or less for the purpose of financing exports of goods or services by those businesses to buyers in foreign countries;

(d) Establish and regulate the terms and conditions of any such loans and loan guarantees and charges for interest and services connected therewith;

(e) Provide export financial counseling to Washington exporters with annual sales of one hundred million dollars or less, provided that such counseling is not available from a Washington for-profit business. For such counseling, the center may charge such fees as it determines are necessary.

(f) Contract with the federal government and its agencies to become a program administrator for federally provided country risk insurance programs and for the purposes of this chapter; and

(g) Take whatever action may be necessary to accomplish the purposes set forth in this chapter.

(2) The center may not use any Washington state funds or funds which come from the public treasury of the state of Washington to make loans or to make any payment under a loan guarantee agreement. Under no circumstances may the center use any funds received under RCW 43.210.050 to make or assist in making any loan or to pay or assist in paying any amount under a loan guarantee agreement. Debts of the center shall be center debts only and may be satisfied only from the resources of the center. The state of Washington shall not in any way be liable for such debts.

(3) The small business export finance assistance center shall make every effort to seek nonstate funds for its continued operation ~~((and shall report to the governor and legislature each January 1st on the amounts it has secured from nonstate funding sources))~~.

(4) The small business export finance assistance center may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the small business export finance assistance center and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

Sec. 43. Section 6, chapter 40, Laws of 1983 1st ex. sess. and RCW 43.220.060 are each amended to read as follows:

(1) Each state department identified in RCW 43.220.020 shall have the following powers and duties to carry out its functions relative to the Washington conservation corps:

(a) Recruiting and employing staff and corps member leaders and specialists;

(b) Adopting criteria for the selection of applicants to the program from among the enrollees of the youth employment exchange program;

(c) Executing agreements for furnishing the services of the employment conservation program to carry out conservation corps programs to any federal, state, or local public agency, any local organization as specified in this chapter in concern with the overall objectives of the conservation corps;

(d) Applying for and accepting grants or contributions of funds from any private source;

(e) Determining a preference for those projects which will provide long-term benefits to the public, will provide productive training and work experiences to the members involved, will be labor-intensive, may result in payments to the state for services performed, and can be promptly completed; and

(f) Entering into agreements with community colleges within the state's community college system and other educational institutions or independent nonprofit agencies to provide special education in basic skills, including reading, writing, and mathematics for those conservation corps members who may benefit by participation in such classes. Classes shall be scheduled after corps working hours. Participation by members is not mandatory but shall be strongly encouraged. The participation shall be a primary factor in determining whether the opportunity for corps membership beyond one year shall be offered. Instruction related to the specific role of the department in resource conservation shall also be offered, either in a classroom setting or as is otherwise appropriate ~~((and~~

~~((g) Reporting annually to the governor and the legislature on the activities undertaken by the employment and conservation program in the preceding fiscal year, including a cost-effectiveness analysis of all completed, ongoing, and proposed projects))~~.

(2) The assignment of corps members shall not result in the displacement of currently employed workers, including partial displacement such as reduction in hours of nonovertime work, wages, or other employment benefits. Supervising agencies that participate in the program may not terminate, lay-off, or reduce the working hours of any employee for the purpose of using a corps member with available funds. In circumstances where substantial efficiencies or a public purpose may result, supervising agencies may use corps members to carry out essential agency work or contractual functions without displacing current employees.

(3) Facilities, supplies, instruments, and tools of the supervising agency shall be made available for use by the conservation corps to the extent that such use does not conflict with the normal duties of the agency. The agency may purchase, rent, or otherwise acquire other necessary tools, facilities, supplies, and instruments.

Sec. 44. Section 6, chapter 43, Laws of 1951 as amended by section 16, chapter 293, Laws of 1975 1st ex. sess. and RCW 44.28.100 are each amended to read as follows:

The committee shall have the power to make reports from time to time to the members of the legislature and to the public with respect to any of its findings or recommendations. The committee shall keep complete minutes of its meetings. ~~(The committee shall make and distribute its final report to the members of the ensuing legislature at least ten days prior to the convening of the legislature.)~~

Sec. 45. Section 10, chapter 373, Laws of 1977 ex. sess. and RCW 44.48.100 are each amended to read as follows:

The committee shall have the power to make reports to the legislature. The committee shall keep complete minutes of its meetings. ~~(The committee shall make and distribute its final report to the members of the ensuing legislature at least ten days prior to the convening of the legislature.)~~

Sec. 46. Section 3, chapter 212, Laws of 1982 and RCW 46.23.030 are each amended to read as follows:

The department of licensing shall report ~~(annually by October first)~~ biennially to the ~~(legislative transportation committee)~~ chairs of the transportation committees of the senate and house of representatives, including one copy to the staff of each of the committees, on its progress in entering into the nonresident violators compact and in attaining similar agreements with British Columbia and other nonmember states.

Sec. 47. Section 10, chapter 151, Laws of 1977 ex. sess. as amended by section 30, chapter 53, Laws of 1983 1st ex. sess. and RCW 47.01.101 are each amended to read as follows:

The secretary shall have the authority and it shall be his or her duty, subject to policy guidance from the commission:

(1) To serve as chief executive officer of the department with full administrative authority to direct all its activities;

(2) To organize the department as he or she may deem necessary to carry out the work and responsibilities of the department effectively;

(3) To designate and establish such transportation district or branch offices as may be necessary or convenient, and to appoint assistants and delegate any powers, duties, and functions to them or any officer or employee of the department as deemed necessary to administer the department efficiently;

(4) To direct and coordinate the programs of the various divisions of the department to assure that they achieve the greatest possible mutual benefit, produce a balanced overall effort, and eliminate unnecessary duplication of activity;

(5) To adopt all department rules that are subject to the adoption procedures contained in the state administrative procedure act, except rules subject to adoption by the commission pursuant to statute;

(6) To maintain and safeguard the official records of the department, including the commission's recorded resolutions and orders;

(7) To provide full staff support to the commission to assist it in carrying out its functions, powers, and duties and to execute the policy established by the commission pursuant to its legislative authority;

(8) To execute and implement the biennial operating budget for the operation of the department in accordance with chapter 43.88 RCW and with legislative appropriation and, in such manner as prescribed therein, to make and report to the commission and the ~~(legislature)~~ chairs of the transportation committees of the senate and house of representatives, including one copy to the staff of each of the committees, deviations from the planned biennial category A highway construction program necessary to adjust to unexpected delays or other unanticipated circumstances.

(9) To exercise all other powers and perform all other duties as are now or hereafter provided by law.

Sec. 48. Section 1, chapter 12, Laws of 1973 2nd ex. sess. as last amended by section 75, chapter 7, Laws of 1984 and RCW 47.01.141 are each amended to read as follows:

The department shall submit ~~(an annual)~~ a biennial report to the governor and ~~(legislature)~~ chairs of the transportation committees of the senate and house of representatives with a copy to the staff of each of the committees, including but not limited to operational and construction activities of the preceding fiscal ~~(year)~~ period as the department deems important and recommendations for future operations of the department.

Sec. 49. Section 1, chapter 130, Laws of 1977 ex. sess. as amended by section 1, chapter 122, Laws of 1979 ex. sess. and RCW 47.05.021 are each amended to read as follows:

(1) The transportation commission is hereby directed to conduct periodic analyses of the entire state highway system, report thereon to the ~~(legislature)~~ chairs of the transportation committees of the senate and house of representatives, including one copy to the staff of each

of the committees, biennially and based thereon, to subdivide, classify, and subclassify according to their function and importance all designated state highways and those added from time to time and periodically review and revise the classifications into the following three functional classes:

(a) The "principal arterial system" shall consist of a connected network of rural arterial routes with appropriate extensions into and through urban areas, including all routes designated as part of the interstate system, which serve corridor movements having travel characteristics indicative of substantial state-wide and interstate travel;

(b) The "minor arterial system" shall, in conjunction with the principal arterial system, form a rural network of arterial routes linking cities and other activity centers which generate long distance travel, and, with appropriate extensions into and through urban areas, form an integrated network providing interstate and interregional service; and

(c) The "collector system" shall consist of routes which primarily serve the more important intercounty, intracounty, and intraurban travel corridors, collect traffic from the system of local access roads and convey it to the arterial system, and on which, regardless of traffic volume, the predominant travel distances are shorter than on arterial routes.

(2) Those state highways which perform no arterial or collector function, which serve only local access functions, and which lack essential state highway characteristics shall be designated "local access" highways.

(3) In making the functional classification the transportation commission shall adopt and give consideration to criteria consistent with this section and federal regulations relating to the functional classification of highways, including but not limited to the following:

(a) Urban population centers within and without the state stratified and ranked according to size;

(b) Important traffic generating economic activities, including but not limited to recreation, agriculture, government, business, and industry;

(c) Feasibility of the route, including availability of alternate routes within and without the state;

(d) Directness of travel and distance between points of economic importance;

(e) Length of trips;

(f) Character and volume of traffic;

(g) Preferential consideration for multiple service which shall include public transportation;

(h) Reasonable spacing depending upon population density; and

(i) System continuity.

Sec. 50. Section 22, chapter 83, Laws of 1967 ex. sess. as last amended by section 155, chapter 7, Laws of 1984 and RCW 47.26.160 are each amended to read as follows:

The urban arterial board shall:

(1) Adopt rules necessary to implement the provisions of this chapter relating to the allocation of funds in the urban arterial trust account of the motor vehicle fund to counties and cities;

(2) Adopt reasonably uniform design standards for city and county arterials that meet the requirements for urban development;

(3) Report biennially on the first day of November of the even-numbered years to the department~~(:))~~ and to the ~~((legislative transportation committee, and the))~~ chairs of the house and senate transportation committees, including one copy to the staff of each of the committees, regarding progress of cities and counties in developing long-range plans for their urban arterial construction and programming or urban arterial construction work and the allocation of urban arterial trust funds to the cities and counties.

Sec. 51. Section 9, chapter 9, Laws of 1961 ex. sess. as amended by section 332, chapter 7, Laws of 1984 and RCW 47.60.470 are each amended to read as follows:

The department shall periodically report to the ~~((legislative transportation committee))~~ chairs of the transportation committees of the senate and house of representatives, including one copy to the staff of each of the committees, its plans and progress relating to the financing and refinancing of the Washington state ferries and Hood Canal bridge, including the issuance of bonds authorized by RCW 47.60.400 through 47.60.470, to the end that the committee may be informed of plans which may affect its recommendations to the legislature.

Sec. 52. Section .02.17, chapter 79, Laws of 1947 as amended by section 69, chapter 75, Laws of 1977 and RCW 48.02.170 are each amended to read as follows:

The commissioner shall, as soon as accurate preparation enables, ~~((transmit to the legislature))~~ prepare a report of his official transactions during the preceding fiscal year, containing ~~((recommendations for amendment of this code and))~~ information ~~((and recommendations))~~ relative to insurance as ~~((he))~~ the commissioner deems proper.

Sec. 53. Section 7, chapter 296, Laws of 1986 and RCW 48.02.190 are each amended to read as follows:

(1) As used in this section:

(a) "Organization" means every insurer, as defined in RCW 48.01.050, having a certificate of authority to do business in this state and every health care service contractor registered to do business in this state. "Class one" organizations shall consist of all insurers as defined in RCW

48.01.050. "Class two" organizations shall consist of all organizations registered under provisions of chapter 48.44 RCW.

(b) "Receipts" means (i) net direct premiums consisting of direct gross premiums, as defined in RCW 48.18.170, paid for insurance written or renewed upon risks or property resident, situated, or to be performed in this state, less return premiums and premiums on policies not taken, dividends paid or credited to policyholders on direct business, and premiums received from policies or contracts issued in connection with qualified plans as defined in RCW 48.14.021, and (ii) prepayments to health care service contractors as set forth in RCW 48.44.010(3) less experience rating credits, dividends, prepayments returned to subscribers, and payments for contracts not taken.

(2) The annual cost of operating the office of insurance commissioner shall be determined by legislative appropriation. A pro rata share of the cost shall be charged to all organizations. Each class of organization shall contribute sufficient in fees to the insurance commissioner's regulatory account to pay the reasonable costs, including overhead, of regulating that class of organization.

(3) Fees charged shall be calculated separately for each class of organization. The fee charged each organization shall be that portion of the cost of operating the insurance commissioner's office, for that class of organization, for the ensuing fiscal year that is represented by the organization's portion of the receipts collected or received by all organizations within that class on business in this state during the previous calendar year: PROVIDED, That the fee shall not exceed one-eighth of one percent of receipts: PROVIDED FURTHER, That the minimum fee shall be one thousand dollars.

(4) The commissioner shall annually, on or before June 1, calculate and bill each organization for the amount of its fee. Fees shall be due and payable no later than June 15 of each year: PROVIDED, That if the necessary financial records are not available or if the amount of the legislative appropriation is not determined in time to carry out such calculations and bill such fees within the time specified, the commissioner may use the fee factors for the prior year as the basis for the fees and, if necessary, the commissioner may impose supplemental fees to fully and properly charge the organizations. The penalties for failure to pay fees when due shall be the same as the penalties for failure to pay taxes pursuant to RCW 48.14.060. The fees required by this section are in addition to all other taxes and fees now imposed or that may be subsequently imposed. ~~((The commissioner shall report fees to the legislative committees responsible for insurance and appropriations concurrent with notification to the organizations.))~~

(5) All moneys collected shall be deposited in the insurance commissioner's regulatory account in the state treasury which is hereby created.

(6) Unexpended funds in the insurance commissioner's regulatory account at the close of a fiscal year shall be carried forward in the insurance commissioner's regulatory account to the succeeding fiscal year and shall be used to reduce future fees.

Sec. 54. Section 7, chapter 270, Laws of 1955 as last amended by section 8, chapter 185, Laws of 1985 and RCW 49.60.100 are each amended to read as follows:

Subject to RCW 40.07.040, the commission, ((at the close of each fiscal year)) each biennium, shall report to the governor, describing the investigations, proceedings, and hearings it has conducted and their outcome, the decisions it has rendered, the recommendations it has issued, and the other work performed by it, and shall make such recommendations for further legislation as may appear desirable. The commission may present its reports to the legislature; the commission's reports shall be made available upon request.

Sec. 55. Section 72, chapter 62, Laws of 1933 ex. sess. as last amended by section 79, chapter 75, Laws of 1977 and RCW 66.08.028 are each amended to read as follows:

The board shall, from time to time, make reports to the governor covering such matters in connection with the administration and enforcement of this title as ~~((he))~~ the governor may require, and, subject to RCW 40.07.040, the board shall prepare and forward to the governor ~~((annually))~~ biennially, to be laid before the legislature, a report for the fiscal ~~((year))~~ period containing:

(1) A financial statement and balance sheet showing in general the condition of the business and its operation during the year;

(2) A summary of all prosecutions for infractions and the results thereof;

(3) General information and remarks; and

(4) Any further information requested by the governor.

Sec. 56. Section 5, chapter 7, Laws of 1982 2nd ex. sess. as last amended by section 21, chapter 158, Laws of 1986 and RCW 67.70.050 are each amended to read as follows:

There is created the office of director of the state lottery. The director shall be appointed by the governor with the consent of the senate. The director shall serve at the pleasure of the governor and shall receive such salary as is determined by the governor, but in no case may the director's salary be more than ninety percent of the salary of the governor. The director shall:

(1) Supervise and administer the operation of the lottery in accordance with the provisions of this chapter and with the rules of the commission.

(2) Appoint such deputy and assistant directors as may be required to carry out the functions and duties of his office: PROVIDED, That the provisions of the state civil service law, chapter 41.06 RCW, shall not apply to such deputy and assistant directors.

(3) Appoint such professional, technical, and clerical assistants and employees as may be necessary to perform the duties imposed by this chapter: PROVIDED, That the provisions of the state civil service law, chapter 41.06 RCW, shall not apply to such employees as are engaged in undercover audit or investigative work or security operations but shall apply to other employees appointed by the director, except as provided for in subsection (2) of this section.

(4) In accordance with the provisions of this chapter and the rules of the commission, license as agents to sell or distribute lottery tickets such persons as in his opinion will best serve the public convenience and promote the sale of tickets or shares. The director may require a bond from every licensed agent, in such amount as provided in the rules of the commission. Every licensed agent shall prominently display his license, or a copy thereof, as provided in the rules of the commission. License fees may be established by the commission, and, if established, shall be deposited in the state lottery account created by RCW 67.70.230.

(5) Confer regularly as necessary or desirable with the commission on the operation and administration of the lottery; make available for inspection by the commission, upon request, all books, records, files, and other information and documents of the lottery; and advise the commission and recommend such matters as ~~(he)~~ the director deems necessary and advisable to improve the operation and administration of the lottery.

(6) Subject to the applicable laws relating to public contracts, enter into contracts for the operation of the lottery, or any part thereof, and into contracts for the promotion of the lottery. No contract awarded or entered into by the director may be assigned by the holder thereof except by specific approval of the commission: PROVIDED, That nothing in this chapter authorizes the director to enter into public contracts for the regular and permanent administration of the lottery after the initial development and implementation.

(7) Certify quarterly to the state treasurer and the commission a full and complete statement of lottery revenues, prize disbursements, and other expenses for the preceding quarter.

~~(8) (Publish quarterly reports showing the total lottery revenues, prize disbursements, and other expenses for the preceding quarter, and make an annual report, which shall include a full and complete statement of lottery revenues, prize disbursements, and other expenses, to the governor and the legislature, and including such recommendations for changes in this chapter as the director deems necessary or desirable.~~

~~(9))~~ Report immediately to the governor and the legislature any matters which require immediate changes in the laws of this state in order to prevent abuses and evasions of this chapter or rules promulgated thereunder or to rectify undesirable conditions in connection with the administration or operation of the lottery.

~~((+))~~ (9) Carry on a continuous study and investigation of the lottery throughout the state: (a) For the purpose of ascertaining any defects in this chapter or in the rules issued thereunder by reason whereof any abuses in the administration and operation of the lottery or any evasion of this chapter or the rules may arise or be practiced, (b) for the purpose of formulating recommendations for changes in this chapter and the rules promulgated thereunder to prevent such abuses and evasions, (c) to guard against the use of this chapter and the rules issued thereunder as a cloak for the carrying on of professional gambling and crime, and (d) to insure that this chapter and rules shall be in such form and be so administered as to serve the true purposes of this chapter.

~~((++))~~ (10) Make a continuous study and investigation of: (a) The operation and the administration of similar laws which may be in effect in other states or countries, (b) any literature on the subject which from time to time may be published or available, (c) any federal laws which may affect the operation of the lottery, and (d) the reaction of the citizens of this state to existing and potential features of the lottery with a view to recommending or effecting changes that will tend to serve the purposes of this chapter.

~~((+))~~ (11) Have all enforcement powers granted in chapter 9.46 RCW.

~~((++))~~ (12) Perform all other matters and things necessary to carry out the purposes and provisions of this chapter.

Sec. 57. Section 14, chapter 5, Laws of 1973 1st ex. sess. as last amended by section 13, chapter 288, Laws of 1984 and RCW 70.39.130 are each amended to read as follows:

Subject to RCW 40.07.040, the commission shall prepare and~~(prior to each legislative session beginning in January:))~~ transmit each biennium to the governor and to the legislature ~~((an annual))~~ a report of commission operations and activities for the preceding fiscal ~~((year))~~ period. This report shall include such findings and recommendations as the commission believes will further the legislative goal of cost containment in the delivery of good quality health care services, including cost-containment programs that have been or might be adopted, and issues of access to good quality care. The report shall also include data on the amount and proportion of charity care provided by each hospital. The commission's report for 1986, to be submitted in January 1987, shall include an analysis of the impacts of RCW 70.39.165 on (1) the use by indigent persons of health care settings other than hospitals and (2) the case-loads and costs associated with the limited casualty program for medical indigents under RCW

74.09.700. The department of social and health services and the health systems agencies established under chapter 70.38 RCW shall provide such information and assistance as the commission may reasonably require in preparing the report on the impact of RCW 70.39.165.

Sec. 58, Section 6, chapter 316, Laws of 1977 ex. sess. as last amended by section 3, chapter 118, Laws of 1986 and RCW 70.48.060 are each amended to read as follows:

(1) Any funds allocated to a governing unit for jail construction or renovation pursuant to this chapter shall constitute full funding of the cost of implementing the physical plant standards within the meaning of RCW 70.48.070(2). Jail construction or renovation represents the full extent of the state's financial commitment with regard to jails. Local governing units are responsible for funding all costs of operating jails.

(2) As a condition of eligibility for such financial assistance as may be provided by or through the state of Washington exclusively for the construction and/or modernization of jails, all jail construction and/or substantial remodeling projects shall be submitted by the governing unit to the board which shall review all submitted projects in accordance with rules to be adopted by the board and shall approve or reject each project for purposes of state funding. The board shall allocate available funding to the projects approved for funding in accordance with moneys actually available and the priorities established by the board under this section.

(3) The rules to be adopted by the board for purposes of approving or denying requests for state funds for jail construction or remodeling shall:

(i) Limit state funding to the minimum amount required to fully implement the physical plant standards;

(ii) Encourage the voluntary consolidation of jail facilities and programs of contiguous governing units where feasible: PROVIDED, That such consolidation is approved by all participating governing units: PROVIDED FURTHER, That the board may fund the minimum cost of approved remodeling of an existing county jail facility to be operated as a holding facility in the future when that county is a party to a multi-county consolidation agreement which meets the requirements of RCW 70.48.090, the cost of such holding facility remodeling project(s) and of the consolidated correctional facility project does not exceed the established maximum budgets for current detention and/or correctional facility projects of those governing units, and approval of such a revised concept maximizes the beds to be provided while maintaining or reducing the construction costs;

(iii) Insure that each governing unit or consolidation of governing units applying for state funds under this chapter has submitted a plan which demonstrates that pretrial and posttrial alternatives to incarceration are being considered within the governmental unit;

(iv) Establish criteria and procedures for setting priorities among the projects approved for state funding for purposes of allocating state funds actually available; and

(v) Establish procedures for the submission, review, and approval or denial of projects submitted and appeals from adverse determinations, including time periods applicable thereto.

(4) The board shall review all submitted projects with the office of financial management and the office of financial management shall provide technical assistance to the board for purposes of insuring the accuracy of statistical information to be used by the board in determining projects to be funded.

(5) The board shall oversee approved construction and remodeling to the extent necessary to assure compliance with the standards adopted and approved pursuant to RCW 70.48.050(5).

(6) The board shall develop estimates of the costs of the capital construction grants for each biennium required under the provisions of this chapter. The estimates shall be submitted to the office of financial management consistent with the provisions of chapter 43.88 RCW and the office of financial management shall review and approve or disapprove within thirty days.

~~((7) The board and the office of financial management shall jointly report to the legislature on or before the convening of a regular session as to the projects approved for funding, construction status of such projects, funds expended and encumbered to date, and updated population and incarceration statistics.~~

~~(8) The board shall examine, and by December 1, 1986, present to the legislature recommendations relating to detention and correctional services, including the formulation of the role of state and local governing units regarding detention and correctional facilities.))~~

Sec. 59, Section 4, chapter 238, Laws of 1967 as amended by section 120, chapter 141, Laws of 1979 and RCW 70.94.053 are each amended to read as follows:

(1) In each county of the state there is hereby created an air pollution control authority, which shall bear the name of the county within which it is located. The boundaries of each authority shall be coextensive with the boundaries of the county within which it is located. An authority shall include all incorporated and unincorporated areas of the county within which it is located.

(2) All authorities which are presently or may hereafter be within counties of the first class, class A or class AA, are hereby designated as activated authorities and shall carry out the duties and exercise the powers provided in this chapter. Those authorities hereby activated which encompass contiguous counties located in one or the other of the two major areas

determined in RCW 70.94.011 are declared to be and directed to function as a multicounty authority.

(3) Except as provided in RCW 70.94.232, all other air pollution control authorities are hereby designated as inactive authorities.

(4) The boards of those authorities designated as activated authorities by this chapter shall be comprised of such appointees and/or county commissioners as is provided in RCW 70.94.100. The first meeting of the boards of those authorities designated as activated authorities by this chapter shall be on or before sixty days after June 8, 1967.

(5) The state board and the department of social and health services are directed to conduct the necessary evaluations and delineate appropriate air pollution regions throughout the state, taking into consideration:

(a) The natural climatic and topographic features affecting the potential for buildup of air contaminant concentrations.

(b) The degree of urbanization and industrialization and the existence of activities which are likely to cause air pollution.

(c) The county boundaries as related to the air pollution regions and the practicality of administering air pollution control programs.

~~((The state board and the department are directed to report to the 1969 and succeeding legislative sessions with respect to the further need for activating or combining air pollution control authorities:))~~

Sec. 60. Section 6, chapter 277, Laws of 1984 as amended by section 5, chapter 456, Laws of 1985 and RCW 70.94.820 are each amended to read as follows:

The department of ecology shall maintain a program of periodic monitoring of acid rain deposition and lake, stream, and soil acidification to ensure early detection of acidification and environmental degradation.

~~((A report on changes in acid deposition and lake, stream, and soil acidification levels shall be provided to the parks and ecology committee of the senate and the environmental affairs committee of the house of representatives, prior to each legislative session:))~~

Sec. 61. Section 5, chapter 176, Laws of 1980 and RCW 70.120.140 are each amended to read as follows:

The department shall establish and maintain in the Washington portion of the Portland-Vancouver metropolitan area not less than three ambient air monitoring devices for ozone, not less than three ambient air monitoring devices for hydrocarbons, and not less than two ambient air monitoring devices for oxides of nitrogen.

~~((The department shall report annually to the legislature regarding the effect on air quality of vehicle emission control and other air quality programs in that metropolitan area and in the Washington portion of the area as indicated by the data recorded by the monitoring devices:))~~

Sec. 62. Section 6, chapter 245, Laws of 1979 ex. sess. and RCW 70.123.060 are each amended to read as follows:

Subject to RCW 40.07.040, the department shall prepare ~~((an annual))~~ a biennial report through 1991 to the legislature which shall include but not be limited to:

(1) Data reflecting the geographic incidence of domestic violence in the state, indicating the number of cases officially reported as well as an assessment of the degree of unreported cases;

(2) The number of persons and relevant statistical data, where possible, of persons treated or assisted by shelters receiving state funds; and

(3) A listing of potential and feasible prevention efforts, the estimated cost of providing the prevention services, and the projected benefits of providing the services.

The department may contract, where applicable, for the information required by this section.

Sec. 63. Section 3, chapter 3, Laws of 1986 and RCW 70.146.030 are each amended to read as follows:

(1) The water quality account is hereby created in the state treasury. Moneys in the account may be used only in a manner consistent with this chapter. Moneys deposited in the account shall be administered by the department of ecology and shall be subject to legislative appropriation. Moneys placed in the account shall include tax receipts as provided in RCW 82.24.027, 82.26.025, and 82.32.390, principal and interest from the repayment of any loans granted pursuant to this chapter, and any other moneys appropriated to the account by the legislature. All earnings from investment of balances in the water quality account, except as provided in RCW 43.84.090, shall be credited to the water quality account.

(2) The department may use or permit the use of any moneys in the account to make grants or loans to public bodies, including grants to public bodies as cost-sharing moneys in any case where federal, local, or other funds are made available on a cost-sharing basis, for water pollution control facilities and activities within the purposes of this chapter and for related administrative expenses. No more than three percent of the moneys deposited in the account may be used by the department to pay for the administration of the grant and loan program authorized by this chapter.

(3) The department shall present a progress report each biennium on the use of moneys from the account to the ~~((legislature no later than November 30th of each year))~~ chairs of the committees on ways and means of the senate and house of representatives, including one copy to the staff of each of the committees.

Sec. 64. Section 9, chapter 204, Laws of 1982 as amended by section 9, chapter 274, Laws of 1986 and RCW 71.24.155 are each amended to read as follows:

Grants shall be made by the department to counties for community mental health programs totaling not less than ninety-five percent of available resources. The department may use up to forty percent of the remaining five percent to provide community demonstration projects, including early intervention or primary prevention programs for children, and the remainder shall be for emergency needs and technical assistance under this chapter. ~~((The department shall provide a biennial accounting of the use of these funds to the ways and means committees of the senate and the house of representatives.))~~

Sec. 65. Section 72.01.320, chapter 28, Laws of 1959 as last amended by section 163, chapter 141, Laws of 1979 and RCW 72.01.320 are each amended to read as follows:

The secretary shall examine into the conditions and needs of the several state institutions under ~~((his))~~ the secretary's control and report in writing to the governor the condition of each institution.

~~((The secretary shall also provide the governor and legislature a full report of the activities of his department each fiscal year, incorporating therein suggestions respecting legislation for the benefit of the several institutions under his control and in the interests of improved administration generally.))~~

Sec. 66. Section 19, chapter 136, Laws of 1981 and RCW 72.09.160 are each amended to read as follows:

The board shall have the following responsibilities with respect to the department of corrections:

(1) Within two years of July 1, 1981, it shall recommend such advisory standards to the legislature, the governor, and the department as it determines are necessary to: (a) Meet federal and state constitutional requirements relating to health, safety, security, and welfare of inmates and staff or specific state or federal statutory requirements; and (b) provide for the public's health, safety, and welfare. In carrying out this responsibility, the board shall consider the standards of the United States department of justice and the accreditation commission on corrections of the American corrections association and any other standards or proposals it finds appropriate. Whenever possible, these standards should discourage duplication of services by the state and local governments.

(2) The standards recommended by the board shall be advisory only and may not be enforced by the board. The board shall review and make recommendations regarding any standards which are proposed by the secretary.

(3) ~~((Each year commencing in 1983, the board shall issue a report to the governor, the legislature and the department which shall contain: (a) All recommended standards which are proposed either by the board or the secretary, and the reasons for any variance therefrom with respect to adopted standards; and (b) a report on the variance (i) between its recommended standards and the standards adopted by the secretary; (ii) between its recommended standards and the performance of the department; and (iii) between the standards adopted by the secretary and the performance of the department.))~~

~~((4))~~ (4) The board shall review the development and functioning of the department's grievance procedures. The board and the secretary shall jointly visit and inspect at least once a year each state corrections institution. For institutions of less than one hundred fifty, the board may appoint one or more of its members to carry out this duty.

~~((5))~~ (4) The board may recommend advisory standards for the location, construction, and operation of all state correctional facilities and programs.

~~((6))~~ (5) The board may recommend to the governor, the legislature, and the secretary the expenditure of public funds in a manner which recognizes and advances the board's or the secretary's proposed standards.

~~((7))~~ (6) The board shall appoint an executive secretary to assist it in carrying out its functions under this chapter. As authorized by the board, the executive secretary shall hire and supervise necessary staff to assist the board in carrying out its duties. The secretary may provide any technical assistance or support which the board may request from time to time.

Sec. 67. Section 2, chapter 246, Laws of 1975 1st ex. sess. as last amended by section 1, chapter 146, Laws of 1986 and RCW 72.33.125 are each amended to read as follows:

(1) In order to provide ongoing points of contact with the handicapped individual and his or her family so that they may have a place of entry for state services and return to the community as the need may appear; to provide a link between those individuals and services of the community and state operated services so that the individuals with handicapping conditions and their families may have access to the facilities best suited to them throughout the life of the individual; to offer viable alternatives to state residential school admission; and to encourage the placement of persons from state residential schools, the secretary of social and health services or ~~((his))~~ the secretary's designee, pursuant to rules and regulations of the

department, shall receive applications of persons for care, treatment, hospitalization, support, training, or rehabilitation provided by state programs or services for the handicapped. Written applications shall be submitted in accordance with the following requirements:

(a) In the case of a minor person, the application shall be made by his or her parents or by the parent, guardian, limited guardian where so authorized, person or agency legally entitled to custody, which application shall be in the form and manner required by the department; and

(b) In the case of an adult person, the application shall be made by such person, by his or her guardian, or limited guardian where so authorized, or agency legally entitled to custody, which application shall be in the form and manner required by the department.

(2) Upon receipt of the written application the secretary shall determine if the individual to receive services has a handicapping condition as defined in RCW 72.33.020 qualifying ~~((him))~~ the individual for services. In order to determine eligibility for services, the secretary may require a supporting affidavit of a physician or a clinical psychologist, or one of each profession, certifying that the individual is handicapped as herein defined.

(3) After determination of eligibility because of a handicapping condition, the secretary shall determine the necessary services to be provided for the individual. Individuals may be temporarily admitted, for a period not to exceed thirty days, to departmental residential facilities for observation prior to determination of needed services, where such observation is necessary to determine the extent and necessity of services to be provided.

(4) The secretary shall annually advise the persons specified in subsection (1) (a) or (b) of this section that they may, by application, propose program and placement alternatives for care, treatment, hospitalization, support, training, or rehabilitation of the handicapped person: PROVIDED, That current appropriations are sufficient to implement alternative services without reducing services to existing clients.

(5) Upon receipt of an application for alternative care, the secretary shall consult with the applicant and within ninety days of the application determine whether the following criteria are met:

(a) That the alternative plan proposes a less dependent program than the current services provide;

(b) That the alternative plan is appropriate under the goals and objectives of the individual program plan;

(c) That the alternative plan is not in violation of applicable state and federal law; and

(d) That necessary services can reasonably be made available.

(6) If the alternative plan meets all the criteria of subsection (5) of this section, it shall be implemented as soon as reasonable, but not later than one hundred twenty days after completion of the determination process, unless the secretary determines:

(a) That the alternative plan is more costly than the current plan; or

(b) Current appropriations are not sufficient to implement alternative services without reducing services to existing clients; or

(c) The alternative plan would take precedent over other priority placements.

~~((7) The secretary shall by July 1st of each even-numbered year report to the legislature on the use of program options. The report shall include the number of persons applying for program options, the number denied and reasons, the number approved and implemented, the programs they transferred from and to, the costs and savings incurred, and the amounts and sources of funding used to finance program options services. The report shall also estimate use and funding for the next biennium.))~~

Sec. 68, Section 17, chapter 172, Laws of 1967 as last amended by section 4, chapter 246, Laws of 1983 and RCW 74.13.031 are each amended to read as follows:

The department shall have the duty to provide child welfare services as defined in RCW 74.13.020, and shall:

(1) Develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of homeless, runaway, dependent, or neglected children.

(2) Develop a recruiting plan for recruiting an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, sibling groups, handicapped and emotionally disturbed, and annually submit the plan for review to the house and senate committees on social and health services. The plan shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) Investigate complaints of neglect, abuse, or abandonment of children, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency; PROVIDED, That an investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime may have been committed, the department shall notify the appropriate law enforcement agency.

(4) Offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(5) Monitor out-of-home placements, on a timely and routine basis, to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010(~~(-and annually submit a report delineating the results to the house and senate committees on social and health services))~~).

(6) Have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(7) Have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(8) Have authority to purchase care for children; and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

(9) Establish a children's services advisory committee which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, day care, licensing of child care agencies, and services related thereto. At least one-third of the membership shall be composed of child care providers.

(10) Have authority to provide continued foster care or group care for individuals from eighteen through twenty years of age to enable them to complete their high school or vocational school program.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and RCW 74.13.032 through 74.13.036, or of this section all services to be provided by the department of social and health services under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974 (P.L. No. 93-415; 42 U.S.C. 5634 et seq.; and 42 U.S.C. 5701 note as amended by P.L. 94-273, 94-503, and 95-115).

Sec. 69. Section 82, chapter 155, Laws of 1979 as last amended by section 11, chapter 257, Laws of 1985 and RCW 74.13.036 are each amended to read as follows:

(1) The department of social and health services shall oversee implementation of chapter 13.34 RCW and chapter 13.32A RCW. The oversight shall be comprised of working with affected parts of the criminal justice and child care systems as well as with local government, legislative, and executive authorities to effectively carry out these chapters. The department shall work with all such entities to ensure that chapters 13.32A and 13.34 RCW are implemented in a uniform manner throughout the state.

(2) The department shall, by January 1, 1986, develop a plan and procedures, in cooperation with the state-wide advisory committee, to insure the full implementation of the provisions of chapter 13.32A RCW. Such plan and procedures shall include but are not limited to:

(a) Procedures defining and delineating the role of the department and juvenile court with regard to the execution of the alternative residential placement process;

(b) Procedures for designating department staff responsible for family reconciliation services;

(c) Procedures assuring enforcement of contempt proceedings in accordance with RCW 13.32A.170 and 13.32A.250; and

(d) Procedures for the continued education of all individuals in the criminal juvenile justice and child care systems who are affected by chapter 13.32A RCW, as well as members of the legislative and executive branches of government.

The plan and procedures required under this subsection shall be submitted to the appropriate standing committees of the legislature by January 1, 1986.

There shall be uniform application of the procedures developed by the department and juvenile court personnel, to the extent practicable. Local and regional differences shall be taken into consideration in the development of procedures required under this subsection.

(3) In addition to its other oversight duties, the department shall:

(a) Identify and evaluate resource needs in each region of the state;

(b) Disseminate information collected as part of the oversight process to affected groups and the general public;

(c) Educate affected entities within the juvenile justice and child care systems, local government, and the legislative branch regarding the implementation of chapters 13.32A and 13.34 RCW;

(d) Review complaints concerning the services, policies, and procedures of those entities charged with implementing chapters 13.32A and 13.34 RCW; and

(e) Report any violations and misunderstandings regarding the implementation of chapters 13.32A and 13.34 RCW.

(4) The secretary shall develop procedures in accordance with chapter 34.04 RCW for addressing violations and misunderstandings concerning the implementation of chapters 13.32A and 13.34 RCW.

(5) The secretary shall submit a quarterly report to the ~~((appropriate standing committee of the house of representatives and the senate of the state of Washington and to))~~ appropriate local government entities.

(6) Where appropriate, the department shall request opinions from the attorney general regarding correct construction of these laws.

Sec. 70. Section 75.08.020, chapter 12, Laws of 1955 as last amended by section 1, chapter 208, Laws of 1985 and RCW 75.08.020 are each amended to read as follows:

(1) The director shall investigate the habits, supply, and economic use of food fish and shellfish in state and offshore waters.

(2) The director shall make an annual report to the governor on the operation of the department and the statistics of the fishing industry.

(3) ~~Subject to RCW 40.07.040, the director shall provide a comprehensive ((annual)) biennial report of all departmental operations to the ((legislature on or before October 30 of each year)) chairs of the committees on natural resources and ways and means of the senate and house of representatives, including one copy to the staff of each of the committees, to reflect the previous fiscal ((year)) period. The format of the report shall be similar to reports issued by the department from 1964-1970 and the report shall include, but not be limited to, descriptions of all department activities including: Revenues generated, program costs, capital expenditures, personnel, special projects, new and ongoing research, environmental controls, cooperative projects, intergovernmental agreements, and outlines of ongoing litigation, recent court decisions and orders on major issues with the potential for state liability. The report shall describe the status of the resource and its recreational, commercial, and tribal utilization. The report shall be given to the house and senate committees on ways and means and the house and senate committees on natural resources and shall be made available to the public.~~

(4) The director, in cooperation with the director of game and the dean of the college of fisheries at the University of Washington, shall develop proposals to reinstate the natural salmon and steelhead trout fish runs in the Tilton and upper Cowlitz rivers. The proposals shall include specific recommendations for legislation and estimates of the costs of replenishing the fish runs by 1991, but shall not include alternatives to replenishing the fish runs. Proposals under this subsection shall be submitted by the director and the director of game to the legislature no later than January 1986.

Sec. 71. Section 5, chapter 458, Laws of 1985 and RCW 75.50.050 are each amended to read as follows:

The director shall report to the legislature on or before October 30th of each year through 1991 on the progress and performance of each project. The report shall contain an analysis of the successes and failures of the program to enable optimum development of the program. The report shall include estimates of funding levels necessary to operate the projects in future years.

The director shall submit the reports and any additional recommendations to the chairs of the committees on ways and means and the committees on natural resources of the senate and house of representatives.

Sec. 72. Section 4, chapter 72, Laws of 1984 and RCW 75.52.040 are each amended to read as follows:

(1) The department shall:

(a) Encourage and support the establishment of cooperative agreements for the development and operation of cooperative food fish, shellfish, game fish, game bird, game animal, and nongame wildlife projects, and projects which provide an opportunity for volunteer groups to become involved in resource and habitat-oriented activities. All cooperative projects shall be fairly considered in the approval of cooperative agreements;

(b) Identify regions and species or activities that would be particularly suitable for cooperative projects providing benefits compatible with department goals;

(c) Determine the availability of rearing space at operating facilities or of net pens, egg boxes, portable rearing containers, incubators, and any other rearing facilities for use in cooperative projects, and allocate them to volunteer groups as fairly as possible;

(d) Exempt volunteer groups from payment of fees to the department for activities related to the project;

(e) ~~((Annually report to the legislature on accepted and rejected cooperative agreements; production, costs, and benefits of the cooperative program;~~

~~((f)) Publicize the cooperative program;~~

~~((g)) Not substitute a new cooperative project for any part of the department's program unless mutually agreeable to the department and volunteer group;~~

~~((h)) Not approve agreements that are incompatible with legally existing land, water, or property rights.~~

(2) The department may, when requested, provide to volunteer groups its available professional expertise and assist the volunteer group to evaluate its project.

Sec. 73. Section 5, chapter 122, Laws of 1985 and RCW 76.56.050 are each amended to read as follows:

The center shall aggressively solicit financial contributions and support from the forest products industry, federal and state agencies, and other granting sources or through other arrangements to assist in conducting its activities. Subject to RCW 40.07.040, the center shall report ~~(on December 1 of each year)~~ biennially through 1991 to the governor and the legislature on its success in obtaining funding from nonstate sources. It may also use separately appropriated funds of the University of Washington for the center's activities.

Sec. 74. Section 2, chapter 93, Laws of 1985 and RCW 77.04.110 are each amended to read as follows:

Subject to RCW 40.07.040, the director shall provide a comprehensive ~~((annual))~~ biennial report of all departmental operations to the ~~(legislature on or before October 30 of each year to reflect the previous fiscal year)~~ chairs of the committees on ways and means and natural resources of the senate and house of representatives, including one copy to the staff of each of the committees. The report shall include, but not be limited to, descriptions of all department activities including: Revenues generated, program costs, capital expenditures, personnel, special projects, new and ongoing research, environmental controls, cooperative projects, inter-governmental agreements, and outlines of ongoing litigation, recent court decisions and orders on major issues with the potential for state liability. The report shall describe the status of the resource and its recreational and tribal utilization.

~~((The report shall be given to the house and senate committees on ways and means and the house and senate committees on natural resources and shall be made available to the public.))~~

Sec. 75. Section 196, chapter 255, Laws of 1927 as amended by section 3, chapter 93, Laws of 1985 and RCW 79.01.744 are each amended to read as follows:

(1) It shall be the duty of the commissioner of public lands to report, and recommend, to each session of the legislature, any changes in the law relating to the methods of handling the public lands of the state that he may deem advisable.

(2) The commissioner of public lands shall provide a comprehensive ~~((annual))~~ biennial report ~~(to the legislature on or before October 30 of each year)~~ to reflect the previous fiscal ~~((year))~~ period. The report shall include, but not be limited to, descriptions of all department activities including: Revenues generated, program costs, capital expenditures, personnel, special projects, new and ongoing research, environmental controls, cooperative projects, inter-governmental agreements, the adopted sustainable harvest compared to the sales program, and outlines of ongoing litigation, recent court decisions and orders on major issues with the potential for state liability. The report shall describe the status of the resources managed and the recreational and commercial utilization. The report shall be given to the chairs of the house and senate committees on ways and means and the house and senate committees on natural resources, including one copy to the staff of each of the committees, and shall be made available to the public.

Sec. 76. Section 80.01.090, chapter 14, Laws of 1961 as amended by section 91, chapter 75, Laws of 1977 and RCW 80.01.090 are each amended to read as follows:

All proceedings of the commission and all documents and records in its possession shall be public records, and it shall adopt and use an official seal. Subject to RCW 40.07.040, the commission shall make and submit to the governor and the legislature ~~((an annual))~~ a biennial report containing a statement of the transactions and proceedings of its office, together with the information gathered by the commission and such other facts, suggestions, and recommendations as the governor may require or the legislature request.

Sec. 77. Section 41, chapter 450, Laws of 1985 and RCW 80.36.380 are each amended to read as follows:

Subject to RCW 40.07.040, the commission shall provide the legislature with ~~((an annual))~~ a biennial report through 1991 on the status of the Washington telecommunications industry. The report shall describe the competitiveness of all markets as defined by the commission; the availability of diverse and affordable telecommunications services to all people of Washington, particularly to customers in rural or sparsely populated areas; and the level of rates for local exchange and interexchange telecommunications service. The report also shall address the question of whether competition in certain markets has developed to such an extent that the commission recommends additional regulatory flexibility such as detariffing or total deregulation and the evidence therefor; and the need for further legislation to achieve the purposes of RCW 80.36.300 through 80.36.370 and 80.04.010. The commission shall also monitor cost of service methodologies and shall recommend to the legislature whether cost of service ratemaking shall become a standard for telecommunications services.

Sec. 78. Section 1, chapter 138, Laws of 1984 as amended by section 2, chapter 112, Laws of 1986 and RCW 82.01.120 are each amended to read as follows:

(1) The director shall employ an economic and revenue forecast supervisor to supervise the preparation of all economic and revenue forecasts. As used in this section and RCW 82.01-.125 and 82.01.130, "supervisor" means the economic and revenue forecast supervisor.

Approval by an affirmative vote of at least five members of the economic and revenue forecast council is required for any decisions regarding employment of the supervisor. Employment of the supervisor shall terminate after each term of three years, unless the supervisor is reappointed by the director and approved by the economic and revenue forecast council for another three years. The supervisor shall employ staff sufficient to accomplish the purposes of this section.

(2) Four times each year the supervisor shall prepare, subject to the approval of the economic and revenue forecast council under RCW 82.01.130(2):

(a) An official state economic and revenue forecast;

(b) An unofficial state economic and revenue forecast based on optimistic economic and revenue projections; and

(c) An unofficial state economic and revenue forecast based on pessimistic economic and revenue projections.

(3) The supervisor shall submit forecasts prepared under this section, along with any unofficial forecasts provided under RCW 82.01.130(3), to the governor and the ~~((legislature)) members of the committees on ways and means and the chairs of the committees on transportation of the senate and house of representatives and the chair of the legislative transportation committee, including one copy to the staff of each of the committees, on or before November 20th, February 20th in the even-numbered years, March 20th in the odd-numbered years, June 20th, and September 20th.~~

Sec. 79. Section 2, chapter 141, Laws of 1981 and RCW 84.36.037 are each amended to read as follows:

Real or personal property owned by a nonprofit organization, association, or corporation in connection with the operation of a public assembly hall or meeting place is exempt from taxation. The area exempt under this section includes the building or buildings, the land under the buildings, and an additional area necessary for parking, not exceeding a total of one acre: PROVIDED, That for property essentially unimproved except for restroom facilities and structures on such property which has been used primarily for annual community celebration events for at least ten years, such exempt property shall not exceed twenty-nine acres.

To qualify for this exemption the property must be used exclusively for public gatherings and be available to all organizations or persons desiring to use the property, but the owner may impose conditions and restrictions which are necessary for the safekeeping of the property and promote the purposes of this exemption. Membership shall not be a prerequisite for the use of the property.

The use of the property for pecuniary gain or to promote business activities, except fund raising activities conducted by a nonprofit organization, nullifies the exemption otherwise available for the property for the assessment year. The exemption is not nullified by the collection of rent or donations if the amount is reasonable and does not exceed maintenance and operation expenses created by the user.

The department of revenue shall narrowly construe this exemption ~~((and shall annually report to the legislature the names of organizations receiving such property tax exemptions))~~.

Sec. 80. Section 1, chapter 166, Laws of 1979 ex. sess. as amended by section 46, chapter 87, Laws of 1980 and RCW 90.03.247 are each amended to read as follows:

Whenever an application for a permit to make beneficial use of public waters is approved relating to a stream or other water body for which minimum flows or levels have been adopted and are in effect at the time of approval, the permit shall be conditioned to protect the levels or flows. No agency may establish minimum flows and levels or similar water flow or level restrictions for any stream or lake of the state other than the department of ecology whose authority to establish is exclusive, as provided in chapter 90.03 RCW and RCW 90.22.010 and 90.54.040. The provisions of other statutes, including but not limited to RCW 75.20.100 and chapter 43.21C RCW, may not be interpreted in a manner that is inconsistent with this section. In establishing such minimum flows, levels, or similar restrictions, the department shall, during all stages of development by the department of ecology of minimum flow proposals, consult with, and carefully consider the recommendations of, the department of fisheries, the state game commission, the state energy office, the department of agriculture, and representatives of the affected Indian tribes. Nothing herein shall preclude the department of fisheries, the game commission, the energy office, or the department of agriculture from presenting its views on minimum flow needs at any public hearing or to any person or agency, and the department of fisheries, the game commission, the energy office, and the department of agriculture are each empowered to participate in proceedings of the federal energy regulatory commission and other agencies to present its views on minimum flow needs. ~~((The department of ecology shall file with the speaker of the house of representatives and the president of the senate on the first day of each regular session of the legislature during an odd-numbered year a report as to the implementation of its minimum flow setting program.))~~

Sec. 81. Section 10, chapter 225, Laws of 1971 ex. sess. as amended by section 95, chapter 75, Laws of 1977 and RCW 90.54.090 are each amended to read as follows:

All agencies of state and local government, including counties and municipal and public corporations, shall, whenever possible, carry out powers vested in them in manners which are

consistent with the provisions of this chapter. ~~((The director of the department of ecology shall submit a report to the legislature at least annually noting any failures by such agencies to comply with the mandate of this section, and the circumstances surrounding such failure.))~~

Sec. 82. Section 18, chapter 108, Laws of 1975-'76 2nd ex. sess. as last amended by section 1, chapter 308, Laws of 1985 and RCW 43.21G.040 are each amended to read as follows:

(1) The governor may subject to the definitions and limitations provided in this chapter:

(a) Upon finding that an energy supply alert exists within this state or any part thereof, declare a condition of energy supply alert; or

(b) Upon finding that an energy emergency exists within this state or any part thereof, declare a condition of energy emergency. A condition of energy emergency shall terminate thirty consecutive days after the declaration of such condition if the legislature is not in session at the time of such declaration and if the governor fails to convene the legislature pursuant to Article III, section 7 of the Constitution of the state of Washington within thirty consecutive days of such declaration. If the legislature is in session or convened, in accordance with this subsection, the duration of the condition of energy emergency shall be limited in accordance with subsection (3) of this section.

Upon the declaration of a condition of energy supply alert or energy emergency, the governor shall present to the committee any proposed plans for programs, controls, standards, and priorities for the production, allocation, and consumption of energy during any current or anticipated condition of energy emergency, any proposed plans for the suspension or modification of existing rules of the Washington Administrative Code, and any other relevant matters the governor deems desirable. The governor shall review any recommendations of the committee concerning such plans and matters.

~~((The governor shall review the status of such plans annually with the house of representatives and senate standing committees on energy and utilities.))~~

Upon the declaration of a condition of energy supply alert or energy emergency, the emergency powers as set forth in this chapter shall become effective only within the area described in the declaration.

(2) A condition of energy supply alert shall terminate ninety consecutive days after the declaration of such condition unless:

(a) Extended by the governor upon issuing a finding that the energy supply alert continues to exist, and with prior approval of such an extension by the committee; or

(b) Extended by the governor based on a declaration by the president of the United States of a national state of emergency in regard to energy supply; or

(c) Upon the request of the governor, extended by declaration of the legislature by concurrent resolution of a continuing energy supply alert.

In the event any such initial extension is implemented, the condition shall terminate one hundred and fifty consecutive days after the declaration of such condition. One or more subsequent extensions may be implemented through the extension procedures set forth in this subsection. In the event any such subsequent extension is implemented, the condition shall terminate sixty consecutive days after the implementation of such extension.

(3) A condition of energy emergency shall terminate forty-five consecutive days after the declaration of such condition unless:

(a) Extended by the governor upon issuing a finding that the energy emergency continues to exist, and with prior approval of such an extension by the committee; or

(b) Extended by the governor based on a declaration by the president of the United States of a national state of emergency in regard to energy supply; or

(c) Upon the request of the governor, extended by declaration of the legislature by concurrent resolution of a continuing energy emergency.

In the event any such initial extension is implemented, the condition shall terminate ninety consecutive days after the declaration of such condition. One or more subsequent extensions may be implemented through the extension procedures set forth in this subsection. In the event any such subsequent extension is implemented, the condition shall terminate forty-five consecutive days after the implementation of such extension.

(4) A condition of energy supply alert or energy emergency shall cease to exist upon a declaration to that effect by either of the following: (a) The governor; or (b) the legislature, by concurrent resolution, if in regular or special session: PROVIDED, That the governor shall terminate a condition of energy supply alert or energy emergency when the energy supply situation upon which the declaration of a condition of energy supply alert or energy emergency was based no longer exists.

(5) In a condition of energy supply alert, the governor may, as deemed necessary to preserve and protect the public health, safety, and general welfare, and to minimize, to the fullest extent possible, the injurious economic, social, and environmental consequences of such energy supply alert, issue orders to: (a) Suspend or modify existing rules of the Washington Administrative Code of any state agency relating to the consumption of energy by such agency or to the production of energy, and (b) direct any state or local governmental agency to implement programs relating to the consumption of energy by the agency which have been developed by the governor or the agency and reviewed by the committee.

(6) In addition to the powers in subsection (5) of this section, in a condition of energy emergency, the governor may, as deemed necessary to preserve and protect the public health, safety, and general welfare, and to minimize, to the fullest extent possible, the injurious economic, social, and environmental consequences of such an emergency, issue orders to: (a) implement programs, controls, standards, and priorities for the production, allocation, and consumption of energy; (b) suspend and modify existing pollution control standards and requirements or any other standards or requirements affecting or affected by the use of energy, including those relating to air or water quality control; and (c) establish and implement regional programs and agreements for the purposes of coordinating the energy programs and actions of the state with those of the federal government and of other states and localities.

The governor shall immediately transmit the declaration of a condition of energy supply alert or energy emergency and the findings upon which the declaration is based and any orders issued under the powers granted in this chapter to the committee.

Nothing in this chapter shall be construed to mean that any program, control, standard, priority or other policy created under the authority of the emergency powers authorized by this chapter shall have any continuing legal effect after the cessation of the condition of energy supply alert or energy emergency.

If any provision of this chapter is in conflict with any other provision, limitation, or restriction which is now in effect under any other law of this state, including, but not limited to, chapter 34.04 RCW, this chapter shall govern and control, and such other law or rule or regulation promulgated thereunder shall be deemed superseded for the purposes of this chapter.

Because of the emergency nature of this chapter, all actions authorized or required hereunder, or taken pursuant to any order issued by the governor, shall be exempted from any and all requirements and provisions of the state environmental policy act of 1971, chapter 43.21C RCW, including, but not limited to, the requirement for environmental impact statements.

Except as provided in this section nothing in this chapter shall exempt a person from compliance with the provisions of any other law, rule, or directive unless specifically ordered by the governor.

Sec. 83. Section 1, chapter 220, Laws of 1979 ex. sess. as last amended by section 13, chapter 158, Laws of 1986 and RCW 43.52.378 are each amended to read as follows:

The executive board of any operating agency constructing, operating, terminating, or decommissioning a nuclear power plant under a site certification agreement issued pursuant to chapter 80.50 RCW shall appoint an administrative auditor. The administrative auditor shall be deemed an officer under chapter 42.23 RCW. The appointment of the administrative auditor shall be in addition to the appointment of the auditor for the issuance of warrants and other purposes as provided in RCW 43.52.375. The executive board shall retain a qualified firm or firms to conduct performance audits which is in fact independent and does not have any interest, direct or indirect, in any contract with the operating agency other than its employment hereunder. No member or employee of any such firm shall be connected with the operating agency as an officer, employee, or contractor. The administrative auditor and the firm or firms shall be independently and directly responsible to the executive board of the operating agency. The executive board shall require a firm to conduct continuing audits of the methods, procedures and organization used by the operating agency to control costs, schedules, productivity, contract amendments, project design and any other topics deemed desirable by the executive board. The executive board may also require a firm to analyze particular technical aspects of the operating agency's projects and contract amendments. The firm or firms shall provide advice to the executive board in its management and control of the operating agency. At least once each year, the firm or firms shall prepare and furnish a report of its actions and recommendations to the executive board for the purpose of enabling it to attain the highest degree of efficiency in the management and control of any thermal power project under construction or in operation. The administrative auditor shall assist the firm or firms in the performance of its duties. The administrative auditor and the firm or firms shall consult regularly with the executive board and furnish any information or data to the executive board which the administrative auditor, firm, or executive board deems helpful in accomplishing the purpose above stated. The administrative auditor shall perform such other duties as the executive board shall prescribe to accomplish the purposes of this section.

~~((The operating agency shall file a copy of each firm's reports, prepared in accordance with this section, with the respective chairmen of the senate and house energy and utilities committees in a timely manner.))~~ Upon the concurrent request of the chairmen of the senate or house energy and utilities committees, the operating agency shall report to the committees on a quarterly basis.

Sec. 84. Section 7, chapter 44, Laws of 1982 1st ex. sess. as amended by section 15, chapter 158, Laws of 1986 and RCW 43.52.618 are each amended to read as follows:

(1) Except as provided otherwise in this chapter, a joint operating agency shall purchase any item or items of materials, equipment or supplies, the estimated cost of which is in excess of five thousand dollars exclusive of sales tax, or order work for construction of generating projects and associated facilities, the estimated cost of which is in excess of ten thousand dollars

exclusive of sales tax, by contract in accordance with RCW 54.04.070 and 54.04.080, which require sealed bids for contracts.

(2) When a joint operating agency chooses to use one or more of the exceptions to sealed bid contracting specified in this chapter, the agency shall certify to the senate and house committees on energy and utilities in writing (~~within thirty days~~) semiannually after the contract is signed, that such contract is in the public interest, state the reason or reasons why, and indicate the estimated cost savings or schedule improvement to the project compared to contracting for the same material, supplies, equipment or work through completion of work as contracted, including termination costs, or through sealed bids.

Sec. 85. Section 2, chapter 293, Laws of 1985 and RCW 43.200.142 are each amended to read as follows:

The board shall monitor and evaluate the research performed by the federal department of energy that is undertaken for the purpose of determining the suitability of the Hanford candidate site for the location of a disposal facility for spent nuclear fuel and high-level radioactive waste. If the board is dissatisfied with the research performed by the federal department of energy, it shall conduct its own independent testing and evaluation activities, for which it shall seek funding from the federal government. (~~The board shall report semiannually to the governor and the Washington state legislature on the results of research conducted under this section.~~)

Sec. 86. Section 4, chapter 2, Laws of 1986 and RCW 43.200.180 are each amended to read as follows:

The department of ecology shall be the state agency responsible for implementation of the federal low-level radioactive waste policy amendments act of 1985, including:

(1) Collecting and administering the surcharge assessed by the governor under RCW 43.200.170;

(2) Collecting low-level radioactive waste data from disposal facility operators, generators, intermediate handlers, and the federal department of energy;

(3) Developing and operating a computerized information system to manage low-level radioactive waste data;

(4) Denying and reinstating access to the Hanford low-level radioactive waste disposal facility pursuant to the authority granted under federal law;

(5) Administering and/or monitoring (a) the maximum waste volume levels for the Hanford low-level radioactive waste disposal facility, (b) reactor waste allocations, (c) priority allocations under the Northwest Interstate Compact on Low-Level Radioactive Waste Management, and (d) adherence by other states and compact regions to federal statutory deadlines; and

(6) Coordinating the state's low-level radioactive waste disposal program with similar programs in other states (~~and~~

~~(7) Preparing an annual report to the legislature which details the manifested curie content and cubic foot volume of the material received at the Hanford low-level radioactive waste disposal facility in a manner which allows for an assessment of the impact of volume reduction techniques and imposition of any surcharges on the amount of material received).~~)

NEW SECTION. Sec. 87. A new section is added to chapter 40.06 RCW to read as follows:

Effective January 1, 1988, any state publication which is to be distributed to all members of the legislature shall be distributed solely through the state publications distribution center in the state library. The state library shall regularly issue a listing of available publications to each member of the legislature. State agencies may distribute state publications directly to individual legislators upon the request of that legislator.

This section shall not apply to internal distribution of publications produced by the legislature.

NEW SECTION. Sec. 88. The following acts or parts of acts are each repealed:

(1) Section 5, chapter 251, Laws of 1984, section 2, chapter 245, Laws of 1986 and RCW 35.21.301;

(2) Section 5, chapter 3, Laws of 1981 1st ex. sess. and RCW 43.52.379;

(3) Section 6, chapter 251, Laws of 1984, section 4, chapter 245, Laws of 1986 and RCW 54.16.286; and

(4) Section 7, chapter 251, Laws of 1984, section 6, chapter 245, Laws of 1986 and RCW 80.28.011.

NEW SECTION. Sec. 89. The following acts or parts of acts are each repealed:

(1) Section 9, chapter 21, Laws of 1983 1st ex. sess. and RCW 28C.04.470;

(2) Section 44, chapter 38, Laws of 1984 and RCW 38.52.035;

(3) Section 2, chapter 48, Laws of 1974 ex. sess., section 82, chapter 151, Laws of 1979 and RCW 43.01.140;

(4) Section 43.10.100, chapter 8, Laws of 1965, section 42, chapter 75, Laws of 1977, section 16, chapter 313, Laws of 1986 and RCW 43.10.100;

(5) Section 43.30.200, chapter 8, Laws of 1965, section 52, chapter 75, Laws of 1977 and RCW 43.30.200;

(6) Section 7, chapter 175, Laws of 1984, section 30, chapter 466, Laws of 1985 and RCW 43.31.385;

- (7) Section 43.56.030, chapter 8, Laws of 1965, section 59, chapter 75, Laws of 1977, section 24, chapter 87, Laws of 1980 and RCW 43.56.030;
- (8) Section 11, chapter 229, Laws of 1985 and RCW 43.165.110;
- (9) Section 8, chapter 164, Laws of 1985 and RCW 43.168.080;
- (10) Section 5, chapter 44, Laws of 1982 and RCW 43.170.050;
- (11) Section 10, chapter 290, Laws of 1983 and RCW 43.190.100;
- (12) Section .31.25, chapter 79, Laws of 1947 and RCW 48.31.250;
- (13) Section 10, chapter 172, Laws of 1986 and RCW 50.63.100;
- (14) Section 19, chapter 215, Laws of 1979 ex. sess. and RCW 71.05.600;
- (15) Section 5, chapter 273, Laws of 1959, section 12, chapter 189, Laws of 1971 ex. sess., section 86, chapter 75, Laws of 1977, section 5, chapter 160, Laws of 1979 ex. sess., section 106, chapter 136, Laws of 1981 and RCW 72.60.280;
- (16) Section 9, chapter 308, Laws of 1977 ex. sess., section 169, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.48.090;
- (17) Section 4, chapter 393, Laws of 1985 and RCW 84.34.057;
- (18) Section 84.41.140, chapter 15, Laws of 1961, section 204, chapter 278, Laws of 1975 1st ex. sess. and RCW 84.41.140; and
- (19) Section 7, chapter 225, Laws of 1971 ex. sess., section 94, chapter 75, Laws of 1977 and RCW 90.54.070.
- NEW SECTION. Sec. 90. Section 3, chapter 339, Laws of 1985 and RCW 51.32.097 are each repealed, effective June 30, 1990."

#### MOTIONS

On motion of Senator Williams, the following amendments to the Committee on Governmental Operations amendment were considered simultaneously and adopted:

On page 76, after line 23, strike all material down through line 8, page 77  
 Reumber the remaining sections and correct any internal references accordingly  
 On page 80, line 21, after "43.52.378," strike "43.52.618."

On motion of Senator Williams, the following amendment to the Committee on Governmental Operations amendment was adopted:

On page 77, after line 20, strike all material down through line 14, page 78  
 Reumber the sections consecutively.

On motion of Senator Williams, the following amendment to the Committee on Governmental Operations amendment was adopted on a rising vote:

On page 78, after line 25, strike all material down through line 35 and insert the following:  
"NEW SECTION. Sec. 88. Section 5, chapter 3, Laws of 1981 1st ex. sess. and RCW 43.52.379 are each repealed."

#### MOTION

Senator Williams moved that the following amendment to the Committee on Governmental Operations amendment be adopted:

On page 80, line 2, after "1990," insert the following:

"NEW SECTION. Sec. 91. (1) The legislature finds and declares that the buildings, facilities, equipment, and vehicles owned or leased by state government consume significant amounts of energy and that cost-effective energy conservation actions to provide for efficient energy use in these buildings, facilities, equipment, and vehicles will reduce the costs of state government. In order for the operations of state government to provide the citizens of this state an example of energy use efficiency, the legislature further finds and declares that state government should undertake an aggressive program designed to reduce energy use in state buildings, facilities, equipment, and vehicles within a reasonable period of time.

(2) It is the purpose of sections 92 through 95 of this act to consolidate state functions relating to energy audits, technical assistance studies, reports, and financing arrangements within the state energy office, without removing from any state agency any responsibility for overseeing, contracting for, designing, or installing capital projects, including installation of energy conservation measures.

(3) It is also the purpose of sections 92 through 95 of this act to require energy audits in state-owned buildings, to require energy audits as a lease condition in all new, renewed, and renegotiated leases of buildings by the state, to undertake such modifications and installations as are necessary to maximize the efficient use of energy in these buildings, and to establish a policy for the purchase of state vehicles, equipment, and materials which results in efficient, cost-effective energy use by the state.

NEW SECTION. Sec. 92. Unless the context clearly requires otherwise, the following definitions shall apply throughout sections 92 through 95 of this act.

(1) "Energy audit" means a determination of the energy consumption characteristics of a facility which consists of the following elements:

(a) An energy consumption survey which identifies the type, amount, and rate of energy consumption of the facility and its major energy systems. This survey shall be made by the agency responsible for the facility.

(b) A walk-through survey which determines appropriate energy conservation maintenance and operating procedures and indicates the need, if any, for the acquisition and installation of energy conservation measures. This survey shall be made by the agency responsible for the facility if it has technically qualified personnel available. The director of the state energy office shall provide technically qualified personnel for the responsible agency if necessary.

(c) A technical assistance study, which is an intensive engineering analysis of energy conservation measures for the facility, net energy savings, and a cost-effectiveness determination. This element is required only for those facilities designated in the technical assistance study schedule adopted under section 95(2) of this act.

(2) "Energy conservation measure" means an installation or modification of an installation in a facility which is primarily intended to reduce energy consumption or allow the use of an alternative energy source, including:

(a) Insulation of the facility structure and systems within the facility;

(b) Storm windows and doors, multiglazed windows and doors, heat absorbing or heat reflective glazed and coated windows and door systems, additional glazing, reductions in glass area, and other window and door system modifications;

(c) Automatic energy control systems;

(d) Equipment required to operate variable steam, hydraulic, and ventilating systems adjusted by automatic energy control systems;

(e) Solar space heating or cooling systems, solar electric generating systems, or any combination thereof;

(f) Solar water heating systems;

(g) Furnace or utility plant and distribution system modifications including replacement burners, furnaces, and boilers which substantially increase the energy efficiency of the heating system; devices for modifying flue openings which will increase the energy efficiency of the heating system; electrical or mechanical furnace ignitions systems which replace standing gas pilot lights; and utility plant system conversion measures including conversion of existing oil- and gas-fired boiler installations to alternative energy sources;

(h) Caulking and weatherstripping;

(i) Replacement or modification of lighting fixtures which increase the energy efficiency of the lighting system;

(j) Energy recovery systems; and

(k) Such other measures as the director finds will save a substantial amount of energy.

(3) "Energy conservation maintenance and operating procedure" means modification or modifications in the maintenance and operations of a facility, and any installations within the facility, which are designed to reduce energy consumption in the facility and which require no significant expenditure of funds.

(4) "Facility" means a building, a group of buildings served by a central energy distribution system, or components of a central energy distribution system.

**NEW SECTION.** Sec. 93. (1) The director of the state energy office shall have primary authority for planning, measuring, and reporting on energy conservation in state facilities.

(2) The director shall use state, federal, utility, and other funds, as may be available, to identify potential savings to the state through greater energy efficiency, to facilitate the implementation of energy conservation measures, and to increase otherwise the efficiency of energy use in state facilities.

(3) The director may, to carry out the responsibilities of this section, conduct energy audits and technical assistance studies; collect and analyze data on energy consumption and efficiency; provide training and education to facility managers and operators; develop guidelines for planning and operation of state facilities; arrange for financing of conservation projects; perform necessary engineering and design work; and purchase, hire, contract, or provide otherwise for necessary equipment, materials, other goods, and labor.

(4) The director shall in implementing this section cooperate with the director of each state agency for which potential energy savings are identified.

(5) The director shall develop policy recommendations to increase the energy efficiency of state facilities for consideration by the governor, the legislature, and each agency responsible for state facilities.

(6) The director shall consult with, and make recommendations to, the department of general administration and any other agency responsible for state facilities for: (a) The implementation of energy conservation in facilities leased by the state; (b) the purchase of energy conservation devices and fuels for state facilities; and (c) the oversight, design, purchase, contracting, and implementation of capital projects that involve potential cost-effective energy conservation.

(7) This section shall not remove from any agency any responsibility to oversee, design, purchase, contract for, or implement capital projects, including installation of energy conservation measures.

**NEW SECTION.** Sec. 94. The director of the state energy office may conduct, by contract or other arrangement, an energy audit for each state-owned facility that has not been previously audited and update each energy audit whenever the facility's operation, costs, technology, or purpose substantially changes. All energy audits shall be coordinated with and complement other governmental energy audit programs.

**NEW SECTION.** Sec. 95. (1) Upon completion of each walk-through survey performed pursuant to section 94 of this act, the director of the agency responsible for the facility shall implement energy conservation maintenance and operation procedures that may be identified for any state-owned facility. These procedures shall be implemented as soon as possible but not later than twelve months after the walk-through survey.

(2) Energy conservation measure acquisitions and installations shall be scheduled to be fifty-five percent complete by June 30, 1989, or at the end of the capital budget biennium which includes that date, whichever is later, eighty-five percent complete by June 30, 1993, or at the end of the capital budget biennium which includes that date, whichever is later, and fully complete by June 30, 1995, or at the end of the capital budget biennium which includes that date, whichever is later. Each state agency shall implement energy conservation measures with a payback period of twenty-four months or fewer that have a positive cash flow in the same biennium.

(3) For each biennium until all measures are installed, the director of the state energy office shall report to the governor and appropriate committees of the legislature installation progress, measures planned for installation during the ensuing biennium, and changes, if any, to the technical assistance study schedule. This report shall be submitted at the end of a year that immediately precedes the capital budget adoption, and every two years thereafter until all measures are installed.

(4) The director of the state energy office shall facilitate private investment in energy conservation measures for state-owned buildings consistent with state law.

Sec. 96. Section 6, chapter 172, Laws of 1980 as amended by section 4, chapter 48, Laws of 1982 and RCW 43.19.685 are each amended to read as follows:

The director of general administration in consultation with the director of the state energy office shall develop lease covenants, conditions, and terms which:

(1) Obligate the lessor to conduct or have conducted a walk-through survey of the leased premises;

(2) Obligate the lessor to implement identified energy conservation maintenance and operating procedures upon completion of the walk-through survey; and

(3) Obligate the lessor to undertake technical assistance studies and subsequent acquisition and installation of energy conservation measures if the director of general administration, in accordance with rules adopted by the department, determines that these studies and measures will both conserve energy and can be accomplished with a state funding contribution limited to the savings which would result in utility expenses during the term of the lease.

These lease covenants, conditions, and terms shall be incorporated into all specified new, renewed, and renegotiated leases executed on or after January 1, 1983. This section applies to all leases under which state occupancy is at least half of the facility space and includes an area greater than three thousand square feet.

**NEW SECTION.** Sec. 97. All powers, duties, and functions of the director of general administration pertaining to state energy audits in state-owned buildings and private financing of conservation measures in state facilities are transferred to the state energy office. All references to the director or the director of general administration in the Revised Code of Washington shall be construed to mean the director or the state energy office when referring to the functions transferred in this section.

**NEW SECTION.** Sec. 98. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the director of general administration pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the state energy office. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the director of general administration in carrying out the powers, functions, and duties transferred shall be made available to the state energy office. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the state energy office.

Any appropriations made to the director of general administration for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the state energy office.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

**NEW SECTION.** Sec. 99. All rules and all pending business before the director of general administration pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the state energy office. All existing contracts and obligations shall remain in full force and shall be performed by the state energy office.

**NEW SECTION.** Sec. 100. The transfer of the powers, duties, functions, and personnel of the director of general administration shall not affect the validity of any act performed before the effective date of this section.

**NEW SECTION.** Sec. 101. If apportionments of budgeted funds are required because of the transfers directed by sections 98 through 100 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

**NEW SECTION.** Sec. 102. Nothing contained in sections 97 through 101 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

**NEW SECTION.** Sec. 103. Sections 92 through 95 of this act are each added to chapter 43.21F RCW.

**NEW SECTION.** Sec. 104. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 172, Laws of 1980 and RCW 43.19.668;
- (2) Section 2, chapter 172, Laws of 1980 and RCW 43.19.669;
- (3) Section 3, chapter 172, Laws of 1980, section 1, chapter 48, Laws of 1982 and RCW 43.19.670;
- (4) Section 4, chapter 172, Laws of 1980, section 2, chapter 48, Laws of 1982 and RCW 43.19.675; and
- (5) Section 5, chapter 172, Laws of 1980, section 3, chapter 48, Laws of 1982, section 1, chapter 313, Laws of 1983, section 2, chapter 325, Laws of 1986 and RCW 43.19.680.

**NEW SECTION.** Sec. 105. Sections 91 through 104 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1987."

#### POINT OF ORDER

Senator Newhouse: "Mr. President, I rise to question the scope and object of the amendment to the committee amendment. The bill itself is a bill eliminating reports in one department and it, by this amendment, would be enlarged to transfer responsibilities from the Department of General Administration to the State Energy Office."

Debate ensued.

#### MOTION

On motion of Senator Vognild, further consideration of Engrossed Substitute House Bill No. 25 was deferred.

#### SECOND READING

HOUSE BILL NO. 173, by Representatives Sayan, Baugher, Gallagher, Fisher, Fisch, Lux, Patrick, Heavey, Todd and Dellwo

Revising provisions relating to apprenticeship programs.

The bill was read the second time.

#### MOTIONS

On motion of Senator West, the following amendment was adopted:

On page 1, line 10, after "program" insert "approved under this chapter, or by the United States department of labor bureau of apprenticeship training"

Senator West moved that the following amendment be adopted:

On page 1, line 11, after "chapter," insert "Approval of apprenticeship or training programs by the United States department of labor bureau of apprenticeship training shall constitute approval under this chapter."

#### POINT OF INQUIRY

Senator Bender: "Senator West, with regard to the standards dealing with the federal standards, are these less stringent in terms of our state apprenticeship program standards?"

Senator West: "It's my understanding, Senator Bender, that without these amendments or without this definition, our apprenticeship program does not comply with federal law and that we are losing federal support, because we do not comply with federal law."

Senator Bender: "Are you talking with regard to the non-union apprenticeship programs or the union apprenticeship programs?"

Senator West: "I am talking about the state of Washington apprenticeship programs. I am not familiar with the difference between union and non-union."

Senator Bender: "I don't think you are correct in your answer there. I think we are talking about less stringent standards in terms of apprenticeship programs. I think the state requirements are higher than those at the federal level, so I don't think it's a very good amendment."

The President declared the question before the Senate to be adoption of the amendment by Senator West on page 1, line 11.

The motion by Senator West carried and the amendment was adopted.

#### MOTION

On motion of Senator Bender, further consideration of House Bill No. 173 was deferred.

There being no objection, the President reverted the Senate to the first order of business.

#### REPORTS OF STANDING COMMITTEES

April 3, 1987

ESHB 298 Prime Sponsor, Committee on Local Government: Permitting certain library districts, metropolitan park districts, fire protection districts, and public hospital districts to withdraw areas from their boundaries. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Bluechel, Deccio, Fleming, Hayner, Lee, McDonald, Owen, Saling, Talmadge, Warnke, Zimmerman.

Passed to Committee on Rules for second reading.

April 2, 1987

E2SHB 448 Prime Sponsor, Committee on Ways and Means: Establishing the family independence program. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Deccio, Moore, Rasmussen, Rinehart, Talmadge, Vognild, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

April 2, 1987

2SHB 480 Prime Sponsor, Committee on Ways and Means/Appropriations: Providing protection for Indian children. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Craswell, Kreidler, Moore, Rinehart, Talmadge, Vognild, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

April 3, 1987

EHB 559 Prime Sponsor, Representative Appelwick: Extending and revising vanpool laws. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Bluechel, Cantu, Craswell, Fleming, Lee, McDonald, Rasmussen, Talmadge, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

April 2, 1987

HB 628 Prime Sponsor, Representative Basich: Exempting sales of diesel fuel used in commercial fishing vessels from sales and use tax. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Cantu, Deccio, Hayner, Kreidler, McDonald, Moore, Rasmussen, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

April 3, 1987

SHB 970 Prime Sponsor, Committee on Ways and Means/Appropriations: Providing a reimbursement formula for institutions for the mentally retarded. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Bluechel, Cantu, Craswell, Fleming, Lee, McDonald, Moore, Rasmussen, Saling, Talmadge, Vognild, Williams, Zimmerman.

Passed to Committee on Rules for second reading.

April 3, 1987

E2SHB 1006 Prime Sponsor, Committee on Ways and Means: Changing provisions relating to nursing homes. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Cantu, Craswell, Fleming, Lee, McDonald, Rasmussen, Rinehart, Talmadge, Vognild, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

April 3, 1987

SHB 1065 Prime Sponsor, Committee on Ways and Means/Appropriations: Providing for the establishment of an automatic fingerprint identification system. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Cantu, Craswell, Fleming, Lee, McDonald, Rasmussen, Rinehart, Talmadge, Vognild, Warnke.

Passed to Committee on Rules for second reading.

April 3, 1987

SHB 1070 Prime Sponsor, Committee on Ways and Means/Appropriations: Increasing retirement benefits for teachers who are not receiving social security benefits. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Cantu, Craswell, Fleming, Lee, McDonald, Moore, Rinehart, Saling, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

April 3, 1987

ESHB 1128 Prime Sponsor, Committee on Ways and Means/Appropriations: Revising the calculation of retirement benefits of part-time teachers. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Craswell, Fleming, Moore, Rinehart, Saling, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

## MOTION

At 11:57 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 5:58 p.m. by President Cherberg.

## REPORTS OF STANDING COMMITTEES

April 6, 1987

E2SHB 321 Prime Sponsor, Committee on Ways and Means/Revenue: Authorizing excise tax deferrals on machinery, equipment, and other personal property used in the production or casting of aluminum. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators Bauer, Bluechel, Craswell, Deccio, Fleming, Kreidler, Lee, McDonald, Saling, Vognild, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

April 6, 1987

SHB 332 Prime Sponsor, Committee on Environmental Affairs: Requiring the department of ecology to implement and operate a waste exchange. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Fleming, Kreidler, Lee, McDonald, Moore, Owen, Rinehart, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

April 6, 1987

SHB 419 Prime Sponsor, Committee on Judiciary: Providing for administrative determination of paternity. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended by Committee on Judiciary. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Cantu, Craswell, Fleming, Kreidler, Lee, McDonald, Moore, Talmadge, Vognild, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

April 6, 1987

SHB 430 Prime Sponsor, Committee on Trade and Economic Development: Authorizing creation of employee cooperatives. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended by Committee on Commerce and Labor. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Kreidler, Lee, McDonald, Moore, Owen, Rinehart, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

April 6, 1987

SHB 550 Prime Sponsor, Committee on Natural Resources: Transferring lands from department of natural resources to the parks and recreation commission. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended Signed by Senators McDermott, Chairman; Bauer, Bluechel, Cantu, Craswell, Deccio, Fleming, Hayner, Kreidler, Lee, McDonald, Moore, Owen, Saling, Talmadge, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

April 6, 1987

HB 551 Prime Sponsor, Representative Spanel: Revising the use of proceeds from the sale or lease of aquatic lands. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Cantu, Deccio, Fleming, Kreidler, Lee, McDonald, Owen, Rinehart, Talmadge, Vognil, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

April 6, 1987

E2SHB 565 Prime Sponsor, Committee on Ways and Means/Appropriations: Providing for family and medical leave. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Fleming, Kreidler, Lee, Moore, Rinehart, Saling, Talmadge, Vognil, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

April 6, 1987

2SHB 569 Prime Sponsor, Committee on Ways and Means/Revenue: Establishing the Washington wine commission. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Bauer, Bluechel, Cantu, Deccio, Fleming, Hayner, Lee, McDonald, Moore, Owen, Saling, Vognil, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

April 6, 1987

E2SHB 586 Prime Sponsor, Committee on Ways and Means/Appropriations: Providing for comprehensive child protective services. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended by Committee on Human Services and Corrections. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Cantu, Craswell, Deccio, Fleming, Hayner, Kreidler, Lee, McDonald, Moore, Owen, Rinehart, Saling, Talmadge, Vognil, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

April 6, 1987

SHB 646 Prime Sponsor, Committee on Human Services: Establishing an alcoholism and drug addiction treatment and shelter program. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Cantu, Craswell, Deccio, Fleming, Lee, McDonald, Moore, Saling, Talmadge, Vognil, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

April 6, 1987

2SHB 684 Prime Sponsor, Committee on Ways and Means/Appropriations: Revising provisions relating to criminal sentencing. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Cantu, Craswell, Deccio, Fleming, Hayner, Kreidler, Lee, McDonald, Moore, Owen, Rinehart, Saling, Talmadge, Vognil, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

April 6, 1987

2SHB 813 Prime Sponsor, Committee on Ways and Means/Appropriations: Creating a governor's commission on children. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended by Committee on Human Services and Corrections. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Deccio, Fleming, Kreidler, Lee, Moore, Rinehart, Saling, Talmadge, Vognild, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

April 1, 1987

EHB 823 Prime Sponsor, Representative Wineberry: Requiring divestiture of investments in firms doing business with countries with apartheid policies. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Fleming, Kreidler, Owen, Rinehart, Talmadge, Vognild, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

April 6, 1987

SHB 857 Prime Sponsor, Committee on Ways and Means/Appropriations: Creating a future teachers conditional scholarship program. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Deccio, Fleming, Hayner, Kreidler, Lee, McDonald, Moore, Owen, Rinehart, Saling, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

April 1, 1987

ESHB 1197 Prime Sponsor, Committee on Ways and Means: Revising provisions governing school capital projects. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Fleming, Kreidler, Moore, Rinehart, Talmadge, Vognild, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

#### MOTION

At 6:00 p.m., on motion of Senator Vognild, the Senate adjourned until 8:00 a.m., Tuesday, April 7, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## EIGHTY-SIXTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Tuesday, April 7, 1987

The Senate was called to order at 8:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bottiger, Craswell, Fleming, Gaspard, Johnson, Lee, McDermott, Rinehart, Smitherman, von Reichbauer, West and Zimmerman. On motion of Senator Metcalf, Senators Craswell, Lee, von Reichbauer, West and Zimmerman were excused. On motion of Senator Bender, Senators Bottiger and McDermott were excused.

The Sergeant at Arms Color Guard, consisting of Pages Stacey Mason and Kristin Eells, presented the Colors. Reverend Avery Finger, pastor of the Evangel Temple Church of God of Olympia, offered the prayer.

#### MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

#### MESSAGE FROM THE GOVERNOR

April 6, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on April 6, 1987, Governor Gardner approved the following Senate Bill entitled:

Substitute Senate Bill No. 5174

Relating to investment by the state investment board in the Washington land bank.

Sincerely,

TERRY SEBRING, Legal Counsel to the Governor

#### MESSAGE FROM THE HOUSE

April 6, 1987

Mr. President:

The House has passed:

SENATE BILL NO. 5138,

SUBSTITUTE SENATE BILL NO. 5565,

SUBSTITUTE SENATE BILL NO. 5581,

SUBSTITUTE SENATE BILL NO. 5763, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5014,

SENATE BILL NO. 5138,

SUBSTITUTE SENATE BILL NO. 5565,

SUBSTITUTE SENATE BILL NO. 5581,

SUBSTITUTE SENATE BILL NO. 5763.

#### SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 5019,

SUBSTITUTE SENATE BILL NO. 5046,

SENATE BILL NO. 5069,

SUBSTITUTE SENATE BILL NO. 5136,

SENATE BILL NO. 5146,

SENATE BILL NO. 5149.

SUBSTITUTE SENATE BILL NO. 5196,  
 SENATE BILL NO. 5247,  
 SENATE BILL NO. 5277,  
 SENATE BILL NO. 5433,  
 SENATE BILL NO. 5523,  
 SENATE BILL NO. 6038.

## MESSAGE FROM THE HOUSE

March 27, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5045 with the following amendments:

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 29.30.075, chapter 9, Laws of 1965 as last amended by section 56, chapter 361, Laws of 1977 ex. sess. and RCW 29.30.075 are each amended to read as follows:

~~((In counties using absentee paper ballots, at least twenty days before any primary, each))~~  
 Except where a recount or litigation under RCW 29.04.030 is pending, the county auditor shall have ~~((prepared))~~ sufficient ~~((paper))~~ absentee ballots ~~((for use by))~~ ready to mail to absentee voters of that county at least twenty days before any primary, general election, or special election.

Sec. 2. Section 29.62.020, chapter 9, Laws of 1965 and RCW are each amended to read as follows:

~~((On))~~ No later than the tenth day after ~~((each))~~ a special election or primary ~~((or as soon as he has received the returns from all the precincts included therein))~~ and no later than the fifteenth day after a general election, the county auditor shall ~~((call a meeting of))~~ convene the county canvassing board ~~((at his office on a day and hour certain, for the purpose of canvassing the votes cast therein))~~ to process the absentee ballots and canvass the votes cast at that primary or election. On the tenth day after a special election or a primary and on the fifteenth day after a general election, the canvassing board shall complete the canvass and certify the results. All properly and timely voted absentee ballots which have been received on or before the date on which the primary or election is certified shall be included in the canvass. Meetings of the county canvassing board are public meetings under chapter 42.30 RCW. The county canvassing board shall consist of the county auditor, the chairman of the ~~((board of))~~ county ~~((commissioners))~~ legislative authority, and the prosecuting attorney or designated representatives of those officials.

At the request of any caucus of the state legislature, the county auditor shall transmit copies of all unofficial returns of state and legislative primaries or elections prepared by or for the county canvassing board to either the secretary of the senate or the chief clerk of the house.

Sec. 3. Section 29.64.010, chapter 9, Laws of 1965 as amended by section 98, chapter 361, Laws of 1977 ex. sess. and RCW 29.64.010 are each amended to read as follows:

An officer of a political party or any person for whom votes were cast in a primary ~~((election for nomination as a candidate for election to an office))~~ who was not declared nominated may file ~~((with the appropriate canvassing board or boards))~~ a written application for a recount of the votes or a portion of the votes cast at ~~((such))~~ that primary ~~((in any precinct))~~ for all persons for whom votes were cast ~~((in such precinct for such))~~ for nomination to that office.

An officer of a political party or any person ~~((who was a candidate))~~ for whom votes were cast at any ~~((general))~~ election ~~((for election to an office or position who was not declared elected;))~~ may file ~~((with the appropriate canvassing board or boards))~~ a written application for a recount of the votes or a portion of the votes cast at ~~((such))~~ that election ~~((in any precinct in such county))~~ for all candidates for election to ~~((such))~~ that office ~~((or position))~~.

Any group of five or more registered voters may file ~~((with the appropriate canvassing board or boards))~~ a written application for a recount of the votes or a portion of the votes cast ~~((at any election, regular or special, in any precinct))~~ upon any question or issue ~~((provided that the members of such group shall state in such application that they voted on such question or proposition. Such group of electors shall, in such application;))~~. They shall designate one of the members of the group as chairman ~~((;))~~ and shall indicate ~~((therein))~~ the voting residence of each member of ~~((such))~~ the group. ~~((In the event the recount requested concerns a regular or special district election whereat the precincts were combined and the election results of the individual precincts impossible to determine, the application for the recount shall embrace all ballots cast at such district election;))~~

An application for a recount of the votes cast for a state or local office or on a ballot measure in a jurisdiction that is entirely within one county shall be filed with the county auditor of that county. An application for a recount of the votes cast for a federal office or for any state office or on a ballot measure in a jurisdiction that is not entirely within a single county shall be filed with the secretary of state.

An application for a recount in a ~~((precinct))~~ jurisdiction using a vote tally system shall specify whether the recount shall be done manually or by the vote tally system. A recount

done by the vote tally system shall use separate and distinct programming from that used in the original count, and shall also provide for a separate and distinct test of the logic and accuracy of ~~((such))~~ that program.

~~((All))~~ An application(s) for a recount shall be filed within three days, excluding Saturdays ~~((and))~~, Sundays, and holidays, after the county canvassing board or secretary of state has declared the official results of the primary or election for the office or issue for which the recount is requested.

~~((The provisions of))~~ This chapter ~~((shall apply))~~ applies to the recounting of votes cast by paper ballots ~~((and counted at the polling places))~~, to the recheck of votes recorded on voting machines, and to the recounting of votes recorded on ballot cards and counted by a vote tally system. ~~((The provisions of this chapter shall neither apply to votes cast by absentee ballot and counted by the canvassing authority, nor to votes cast on voting machines printing election returns. PROVIDED, That this chapter shall apply to votes cast by absentee and counted by the canvassing authority if specific request for such recount is made at the time the application is filed and the additional deposit is made as provided in RCW 29.64.020.))~~

Sec. 4. Section 29.64.015, chapter 9, Laws of 1965 and RCW 29.64.015 are each amended to read as follows:

If the official canvass of all of the returns ~~((of))~~ for any office at any primary or election reveals that the difference in the number of votes cast for a candidate apparently nominated or elected to any office ~~((as the case may be))~~ and the number of votes cast for ~~((his))~~ the closest apparently defeated opponent is not more than one-half of one percent of the total number of votes cast for both candidates, the county canvassing board shall ~~((of its own motion, make))~~ conduct, or the secretary of state shall direct the appropriate county canvassing boards to conduct, a recount of all votes cast on ~~((such))~~ that position. A mandatory recount shall be conducted in the manner provided by RCW 29.64.020, 29.64.030, and 29.64.040 ~~((and))~~. No cost of ~~((such))~~ a mandatory recount ~~((shall))~~ may be charged to ~~((either))~~ any candidate ~~((concerned))~~.

Sec. 5. Section 29.64.020, chapter 9, Laws of 1965 as amended by section 99, chapter 361, Laws of 1977 ex. sess. and RCW 29.64.020 are each amended to read as follows:

~~((Each))~~ An application for a recount shall ~~((separately list each precinct as to))~~ state the office for which a recount ~~((of the votes therein))~~ is requested ~~((;))~~ and whether the request is for all or only a portion of the votes cast in that jurisdiction of that office. The person filing an application shall, at the same time, deposit with the county canvassing board ~~((the sum of ten dollars))~~ or secretary of state, in cash or by certified check ~~((for each precinct so listed in such application))~~, a sum equal to five cents for each ballot cast in the jurisdiction or portion of the jurisdiction for which the recount is requested as security for the payment of ~~((charges for the making))~~ any costs of conducting the recount ~~((therein applied for, which))~~. These charges shall be ~~((fixed))~~ determined by the county canvassing board ~~((as provided in))~~ or boards under RCW 29.64.060. ~~((In the event the application for a recount applies to a special or regular district election then the deposit to be made with the canvassing board shall be ten dollars in cash or by certified check for each precinct completely or partially within said district. If at said special or regular district election paper ballots were used and the precincts were combined and the election results of the individual precincts impossible to determine, then the deposit shall be a sum of money equal to the total number of ballots cast at such district election multiplied by the factor of five cents; and if a specific request is made for the recount of absentee ballots, then an additional deposit shall be made in a sum of money equal to the total number of such absentee ballots to be counted multiplied by the factor of five cents.~~

~~If at said special or regular district election voting machines were used and the precincts were combined and the election results of the individual precincts impossible to determine, then the deposit shall be ten dollars for each voting machine used.~~

~~If ballot cards and a vote tally system were used at any precinct as to which a recount is requested, the amount of the deposit required shall depend on whether a manual recount of ballot cards or a recount by the vote tally system is requested. If a manual recount of the ballot cards is requested, the deposit shall be the same as for paper ballots. If a recount by the vote tally system is requested, the deposit shall be five cents for each ballot card.~~

~~Upon))~~ Promptly after the filing of an application for a recount or the receipt of a request from the secretary of state to conduct a recount, the county canvassing board shall ~~((promptly fix the))~~ determine a time ~~((when))~~ and ~~((the))~~ a place or places at which the recount will be ~~((made, which))~~ conducted. This time shall be ~~((not later))~~ less than five days after the day upon which ~~((such))~~ the application ~~((is))~~ was filed with or the request from the secretary of state was received by the county canvassing board. The county auditor shall mail a notice of the time and place ~~((so fixed))~~ of the recount to the applicant ~~((if the application requests a recount of votes cast for a nomination or a candidacy for election, the auditor shall also mail such notice to each))~~ and, if the recount involves an office, to any person for whom votes were cast for ~~((such nomination or election. Such))~~ that office. The notice shall be mailed by ~~((registered))~~ certified mail not ~~((later))~~ less than two days before the date ~~((fixed for the commencement))~~ of the recount. Each person entitled to receive ~~((such))~~ notice of the recount may attend ~~((and))~~, witness the recount, and ~~((may))~~ be accompanied by counsel.

~~((in the case of a recount of votes cast upon a question or proposition, a second group of five or more registered voters, who voted upon such question or proposition other than those voters requesting the recount, may file with the canvassing board a written statement to that effect, may designate therein one of their number as chairman of such group and an attorney as their legal counsel, and may request that the persons so designated be permitted to attend and witness the recount. Thereupon the persons so designated))~~ Proceedings of the canvassing board are public under chapter 42.30 RCW. Subject to reasonable and equitable guidelines adopted by the canvassing board, all interested persons may attend and witness ((the)) a recount.

NEW SECTION. Sec. 6. Section 38, chapter 361, Laws of 1977 ex. sess. and RCW 29.30.360 are each repealed."

On page 1, line 1 of the title, after "elections;" strike the remainder of the title and insert "amending RCW 29.30.075, 29.62.020, 29.64.010, 29.64.015, and 29.64.020; and repealing RCW 29.30.360."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

Senator Talmadge moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 5045.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Talmadge that the Senate do concur in the House amendments to Substitute Senate Bill No. 5045.

The motion by Senator Talmadge carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 5045.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5045, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5045, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 37; absent, 5; excused, 7.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Deccio, DeJarnatt, Garrett, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 37.

Absent: Senators Fleming, Gaspard, Johnson, Rinehart, Smitherman - 5.

Excused: Senators Bottiger, Craswell, Lee, McDermott, von Reichbauer, West, Zimmerman - 7.

SUBSTITUTE SENATE BILL NO. 5045, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 1, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5061 with the following amendments:

On page 3, line 8 after "bail." insert "The court shall by January 1, 1990, accept in lieu of bond or cash security valid, major credit cards issued by a bank or other financial institution or automobile club card guaranteed by an insurance company licensed to conduct business in the state. If payment is made by credit card the court is authorized to impose, in addition to any penalty or fine, an amount equal to the charge to the court for accepting such cards."

On page 3, line 9 after "offense" strike "shall" and insert "may",

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

Senator Talmadge moved that the Senate do concur in the House amendment on page 3, line 8, but refuse to concur in the House amendment on page 3, line 9, and asks the House to recede therefrom.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Talmadge that the Senate do concur in the House amendment on page 3, line 8, but refuse to concur in the House amendment on page 3, line 9, to Substitute Senate Bill No. 5061 and asks the House to recede therefrom.

The motion by Senator Talmadge carried and the Senate concurred in the House amendment on page 3, line 8, but refused to concur in the House amendment on page 3, line 9, to Substitute Senate Bill No. 5061, and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

April 1, 1987

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 5105 with the following amendment:

On page 1, line 11 after "under" strike "chapter 15.58 or 17.21 RCW" and insert "chapters 15.58, 17.21, 69.04, 69.41, and 69.50 RCW, and chapter \_\_\_\_\_ (Engrossed Substitute House Bill No. 931), Laws of 1987".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Warnke, the Senate concurred in the House amendment to Engrossed Senate Bill No. 5105.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5105, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5105, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; absent, 2; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 42.

Absent: Senators Rinehart, Smitherman - 2.

Excused: Senators Bottiger, Lee, von Reichbauer, West, Zimmerman - 5.

ENGROSSED SENATE BILL NO. 5105, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTIONS

On motion of Senator Bender, Senators Rinehart and Smitherman were excused.

On motion of Senator Metcalf, Senator McDonald was excused.

#### MESSAGE FROM THE HOUSE

April 1, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5144 with the following amendments:

Beginning on page 17, after line 30 strike all material through "ecology." on page 18, line 21

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1, line 5 of the title, strike "17.21.180, and 17.21.230" and insert "and 17.21.180".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Hansen, the Senate concurred in the House amendments to Substitute Senate Bill No. 5144.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5144, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5144, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Decclo, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wofahn, Zimmerman - 44.

Excused: Senators Bottiger, Lee, McDonald, Rinehart, Smitherman - 5.

SUBSTITUTE SENATE BILL NO. 5144, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Metcalf, Senator Hayner was excused.

#### MESSAGE FROM THE HOUSE

April 2, 1987

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5170 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 4, chapter 33, Laws of 1971 ex. sess. as last amended by section 4, chapter 36, Laws of 1985 and RCW 15.13.280 are each amended to read as follows:

(1) No person shall act as a nursery dealer without a license for each place of business where horticultural plants are sold except as provided in RCW 15.13.270. Any person applying for such a license shall apply through the master license system. The application shall be accompanied by ~~((the following annual licensing fee:))~~ a fee established by the director by rule. The director shall establish by rule, in accordance with chapter 34.04 RCW, a schedule of fees for retail nursery dealer licenses and a schedule of fees for wholesale nursery dealer licenses which shall be based upon the amount of a person's retail or wholesale sales of horticultural plants and turf. The schedule for retail licenses shall include, but shall not be limited to, separate fees for at least the following two categories: (a) A fee for a person whose gross business sales of such materials do not exceed two thousand five hundred dollars; and (b) a fee for a person whose gross business sales of such materials exceed two thousand five hundred dollars. ~~((a) Retail licenses:~~

~~(i) A twenty-five dollar license fee if gross business sales for horticultural plants and turf do not exceed two thousand five hundred dollars;~~

~~(ii) A fifty dollar license fee if such gross business sales are between two thousand five hundred dollars and fifteen thousand dollars; and~~

~~(iii) A one hundred dollar license fee if such gross business sales are fifteen thousand dollars or more;~~

~~(b) Wholesale licenses:~~

~~(i) A fifty dollar license fee if gross business sales for horticultural plants and turf are less than fifteen thousand dollars; and~~

~~(ii) A one hundred dollar license fee if such gross business sales are fifteen thousand dollars or more:)~~

(2) Except as provided in RCW 15.13.270, a person conducting both retail and wholesale sales of horticultural plants at a place of business shall secure for the place of business (a) a retail nursery dealer license if retail sales of the plants and turf exceed such wholesale sales, or (b) a wholesale nursery dealer license if wholesale sales of the plants and turf exceed such retail sales.

(3) The licensing fee that must accompany an application for a new license shall be based upon the estimated gross business sales of horticultural plants and turf for the ensuing licensing year. The fee for renewing a license shall be based upon the licensee's gross sales of such products during the preceding licensing year.

(4) The license shall expire on the master license expiration date unless it has been revoked or suspended prior to the expiration date by the director for cause. Each license shall be posted in a conspicuous place open to the public in the location for which it was issued.

(5) The department may audit licensees during normal business hours to determine that appropriate fees have been paid.

Sec. 2. Section 7, chapter 33, Laws of 1971 ex. sess. as amended by section 4, chapter 73, Laws of 1983 1st ex. sess. and RCW 15.13.310 are each amended to read as follows:

(1) There is hereby levied an annual assessment (~~(of one percent)~~) on the gross sale price of the wholesale market value for all fruit trees, fruit tree seedlings, ~~(and)~~ fruit tree rootstock, and all other rootstock used for fruit tree propagation produced in Washington, and sold within the state or shipped from the state of Washington by any licensed nursery dealer during any license period, as set forth in this chapter (~~(-PROVIDED, That)~~). The director (may) shall by rule subsequent to a hearing (on or after this chapter has been in effect for a period of two years; reduce such assessment to conform) determine the rate of an assessment conforming with the costs necessary to carry out the fruit tree certification and nursery improvement programs specified in RCW 15.13.470.

Such wholesale market price may be determined by the wholesale catalogue price of the seller of such fruit trees, fruit tree seedlings, or fruit tree rootstock or of the shipper moving such fruit trees, fruit tree seedlings, or fruit tree rootstock out of the state. If the seller or shipper do not have a catalogue, then such wholesale market price may be based on the actual selling price or an average wholesale market price. The director in determining such average wholesale market price may use catalogues of various businesses licensed under the provisions of this chapter or any other reasonable method.

(2) Such assessment shall be due and payable on the first day of July of each year.

(3) The gross sale period shall be from July 1 to June 30 of the previous license period.

(4) The department may audit the records of licensees during normal business hours to determine that the appropriate assessment has been paid.

Sec. 3. Section 25, chapter 33, Laws of 1971 ex. sess. as last amended by section 5, chapter 36, Laws of 1985 and RCW 15.13.470 are each amended to read as follows:

All moneys (~~(except assessments and penalties)~~) collected under (~~(the provisions of)~~) this chapter shall be paid (~~(into the nursery inspection fund in the state treasury which is hereby established. Such fund shall be used only in the administration and enforcement of this chapter. All moneys collected under the provisions of chapter 15.13 RCW and remaining in such nursery inspection account in the state general fund on July 1, 1975, shall likewise be used only in the administration and enforcement of this chapter)~~) to the director, deposited in an account within the agricultural local fund, and used solely for carrying out this chapter and rules adopted under this chapter. No appropriation is required for the disbursement of moneys from the account by the director. Any residual balance of funds remaining in the nursery inspection fund on the effective date of this 1987 section shall be transferred to that account within the agricultural local fund: PROVIDED, That all fees collected for fruit tree, fruit tree seedling and fruit tree rootstock assessments as set forth in this chapter shall be deposited in the northwest nursery fund to be used only for the Washington fruit tree certification and nursery improvement programs as set forth in this chapter and chapter 15.14 RCW. For the purpose of testing and improvement of fruit trees, fruit tree seedlings, fruit tree rootstock, or other plant material used for the propagation of fruit trees, the director may, with advice from the advisory committee under RCW 15.13.320, expend up to fifty percent of the money collected from assessments during each fiscal year ending June 30. At no time may such contribution allow the balance of the northwest nursery fund to fall below the combined program cost of the two previous fiscal years. The amount of this minimum balance shall be determined by the director on June 30 of each year.

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

Senator Hansen moved that the Senate do concur in the House amendment to Engrossed Substitute Senate Bill No. 5170.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Hansen that the Senate do concur in the House amendment to Engrossed Substitute Senate Bill No. 5170.

The motion by Senator Hansen carried and the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 5170.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5170, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5170, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson,

Kiskaddon, Kreidler, McCaslin, McDermott, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 43.

Excused: Senators Bottiger, Hayner, Lee, McDonald, Rinehart, Smitherman - 6.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5170, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President advanced the Senate to the sixth order of business.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 520, by Representatives Wang, Armstrong, Schmidt and P. King (by request of Secretary of State)

Revising provisions regulating nonprofit corporations.

The bill was read the second time.

#### MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed House Bill No. 520 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 520.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 520 and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 43.

Excused: Senators Bottiger, Hayner, Lee, McDonald, Rinehart, Smitherman - 6.

ENGROSSED HOUSE BILL NO. 520, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Bender, Senator McDermott was excused.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 571, by Committee on Environmental Affairs (originally sponsored by Representatives Grant, Hankins, Jesernig, Prince, Rayburn, Nealey, Brooks, Brough, L. Smith, D. Sommers, May and Miller)

Permitting municipalities to discharge from municipal water treatment plants if the intake is from the same body of water as the discharge and water quality standards remain high.

The bill was read the second time.

#### MOTION

On motion of Senator Kreidler, the rules were suspended, Engrossed Substitute House Bill No. 571 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 571.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 571 and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson,

Kiskaddon, Kreidler, Lee, McCaslin, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 43.

Excused: Senators Bottiger, Hayner, McDermott, McDonald, Rinehart, Smitherman - 6.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 571, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 699, by Representatives Brooks, Sprenkle, Moyer, Niemi, Meyers, Hine, Jesernig, P. King and May

Providing limited licenses to practice medicine to visiting teachers, researchers, or fellowship holders.

The bill was read the second time.

#### MOTION

On motion of Senator Wojahn the rules were suspended, House Bill No. 699 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 699.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 699 and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 43.

Excused: Senators Bottiger, Hayner, McDermott, McDonald, Rinehart, Smitherman - 6.

HOUSE BILL NO. 699, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1180, by Representatives Brough and Winsley

Providing residency for certain students who attended Washington high schools and enroll in a public institution of higher education within six months.

The bill was read the second time.

#### MOTION

On motion of Senator Vognild, the rules were suspended, House Bill No. 1180 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1180.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1180 and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 43.

Excused: Senators Bottiger, Hayner, McDermott, McDonald, Rinehart, Smitherman - 6.

HOUSE BILL NO. 1180, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 8:42 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 10:02 a.m. by President Cherberg.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 2, by Committee on Local Government (originally sponsored by Representatives Haugen, Hine, Allen, Nutley, Ferguson, Barnes, Valle, Unsoeld and P. King)

Modifying provisions relating to water and sewer districts.

The bill was read the second time.

## MOTIONS

On motion of Senator Halsan, the following Committee on Governmental Operations amendment was adopted:

On page 4, line 17, after "signed by" strike "fifteen" and insert "ten"

On motion of Senator Halsan, the following Committee on Governmental Operations amendment was adopted:

On page 8, line 20, after "thereof," insert "A water district contiguous to Canada may contract with a Canadian corporation for the purchase of water and for the construction, purchase, maintenance and supply of waterworks to furnish the district and inhabitants thereof and residents of Canada with an ample supply of water under terms approved by the board of commissioners."

On motion of Senator Halsan, the following Committee on Governmental Operations amendment was adopted:

On page 10, line 22, after "signed by" strike "fifteen" and insert "ten"

## MOTION

On motion of Senator Halsan, the rules were suspended, Substitute House Bill No. 2, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 2, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 2, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; absent, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senators Pullen, Rasmussen - 2.

Absent: Senators Deccio, Hansen - 2.

SUBSTITUTE HOUSE BILL NO. 2, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 4, by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Fisher, Madsen, Barnes and Wang) (by request of Attorney General)

Revising provisions governing the release of public records.

The bill was read the second time.

## MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

Strike everything after the enacting clause and insert the following:

**\*NEW SECTION.** Sec. 1. The legislature intends to restore the law relating to the release of public records largely to that which existed prior to the Washington Supreme Court decision in "In re Rosier," 105 Wn.2d 606 (1986). The intent of this legislation is to make clear that: (1) Absent statutory provisions to the contrary, agencies possessing records should in responding to requests for disclosure not make any distinctions in releasing or not releasing records based upon the identity of the person or agency which requested the records, and (2) agencies having public records should rely only upon statutory exemptions or prohibitions for refusal to provide public records. Further, to avoid unnecessary confusion, "privacy" as used in section 2 of this 1987 act is intended to have the same meaning as the definition given that word by the Supreme Court in "Hearst v. Hoppe," 90 Wn.2d 123, 135 (1978).

**NEW SECTION.** Sec. 2. A new section is added to chapter 42.17 RCW to read as follows:

A person's "right to privacy," "right of privacy," "privacy," or "personal privacy," as these terms are used in this chapter, is invaded or violated only if disclosure of information about the person: (1) Would be highly offensive to a reasonable person, and (2) is not of legitimate concern to the public. The provisions of this chapter dealing with the right to privacy in certain public records do not create any right of privacy beyond those rights that are specified in this chapter as express exemptions from the public's right to inspect, examine, or copy public records.

Sec. 3. Section 26, chapter 1, Laws of 1973 as amended by section 14, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.260 are each amended to read as follows:

(1) Each agency, in accordance with published rules, shall make available for public inspection and copying all public records, unless the record falls within the specific exemptions of subsection (5) of this section, RCW 42.17.310, 42.17.315, or other statute which exempts or prohibits disclosure of specific information or records. To the extent required to prevent an unreasonable invasion of personal privacy interests protected by RCW 42.17.310 and 42.17.315, an agency shall delete identifying details in a manner consistent with RCW 42.17.310 and 42.17.315 when it makes available or publishes any public record; however, in each case, the justification for the deletion shall be explained fully in writing.

(2) Each agency shall maintain and make available for public inspection and copying a current index providing identifying information as to the following records issued, adopted, or promulgated after January 1, 1973:

(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(b) Those statements of policy and interpretations of policy, statute, and the Constitution which have been adopted by the agency;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Planning policies and goals, and interim and final planning decisions;

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports, or surveys, whether conducted by public employees or others; and

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory, or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(3) An agency need not maintain such an index, if to do so would be unduly burdensome, but it shall in that event:

(a) Issue and publish a formal order specifying the reasons why and the extent to which compliance would unduly burden or interfere with agency operations; and

(b) Make available for public inspection and copying all indexes maintained for agency use.

(4) A public record may be relied on, used, or cited as precedent by an agency against a party other than an agency and it may be invoked by the agency for any other purpose only if—

(a) It has been indexed in an index available to the public; or

(b) Parties affected have timely notice (actual or constructive) of the terms thereof.

(5) This chapter shall not be construed as giving authority to any agency to give, sell or provide access to lists of individuals requested for commercial purposes, and agencies shall not do so unless specifically authorized or directed by law: PROVIDED, HOWEVER, That lists of applicants for professional licenses and of professional licensees shall be made available to those professional associations or educational organizations recognized by their professional licensing or examination board, upon payment of a reasonable charge therefor: PROVIDED FURTHER, That such recognition may be refused only for a good cause pursuant to a hearing under the provisions of chapter 34.04 RCW.

Sec. 4. Section 27, chapter 1, Laws of 1973 as amended by section 15, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.270 are each amended to read as follows:

Public records shall be available for inspection and copying, and agencies shall, upon request for identifiable public records, make them promptly available to any person. Agencies shall not distinguish among persons requesting records, and such persons shall not be required

to provide information as to the purpose for the request except to establish whether inspection and copying would violate RCW 42.17.260(5) or other statute which exempts or prohibits disclosure of specific information or records to certain persons. Agency facilities shall be made available to any person for the copying of public records except when and to the extent that this would unreasonably disrupt the operations of the agency. Agencies shall honor requests received by mail for identifiable public records unless exempted by provisions of this chapter.

Sec. 5. Section 34, chapter 1, Laws of 1973 as amended by section 20, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.340 are each amended to read as follows:

(1) Upon the motion of any person having been denied an opportunity to inspect or copy a public record by an agency, the superior court in the county in which a record is maintained may require the responsible agency to show cause why it has refused to allow inspection or copying of a specific public record or class of records. The burden of proof shall be on the agency to establish that refusal to permit public inspection and copying is ((required)) in accordance with a statute that exempts or prohibits disclosure in whole or in part of specific information or records.

(2) Judicial review of all agency actions taken or challenged under RCW 42.17.250 through 42.17.320 shall be de novo. Courts shall take into account the policy of this chapter that free and open examination of public records is in the public interest, even though such examination may cause inconvenience or embarrassment to public officials or others. Courts may examine any record in camera in any proceeding brought under this section.

(3) Any person who prevails against an agency in any action in the courts seeking the right to inspect or copy any public record shall be awarded all costs, including reasonable attorney fees, incurred in connection with such legal action. In addition, it shall be within the discretion of the court to award such person an amount not to exceed twenty-five dollars for each day that he was denied the right to inspect or copy said public record.

NEW SECTION, Sec. 6. A new section is added to chapter 42.17 RCW to read as follows:

A law enforcement authority may not request inspection or copying of records of any person, which belong to a public utility district or a municipally owned electrical utility, unless the authority provides the public utility district or municipally owned electrical utility with a written statement in which the authority states that it suspects that the particular person to whom the records pertain has committed a crime and the authority has a reasonable belief that the records could determine or help determine whether the suspicion might be true. Information obtained in violation of this rule is inadmissible in any criminal proceeding.

NEW SECTION, Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On motion of Senator Talmadge, the following title amendment was adopted:

On line 2 of the title, after "law," strike the remainder of the title and insert "amending RCW 42.17.260, 42.17.270, and 42.17.340; adding new sections to chapter 42.17 RCW; and creating a new section."

#### MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute House Bill No. 4, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 4, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 4, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Decclo, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalif, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 4, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 31, by Representatives Lux and P. King

Requiring insurers to file their annual statement convention blank.

The bill was read the second time.

#### MOTION

On motion of Senator Moore, the rules were suspended. House Bill No. 31 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 31.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 31 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

HOUSE BILL NO. 31, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 385, by Committee on Energy and Utilities (originally sponsored by Representatives Cooper, Spanel, L. Smith, Sutherland, Peery, Nutley, Walk, Dellwo, Wang, Cole and Brough)

Establishing procedures for designating ports of entry for radioactive waste.

The bill was read the second time.

#### MOTION

On motion of Senator Williams, the rules were suspended. Substitute House Bill No. 385 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 385.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 385 and the bill passed the Senate by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Moore, Owen, Peterson, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 25.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, von Reichbauer, West, Zimmerman - 24.

SUBSTITUTE HOUSE BILL NO. 385, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 707, by Representatives Sayan, Vekich, Ballard, Grimm, Locke, Meyers, Basich, Hargrove, Heavey, Jacobson, Fisch, O'Brien, P. King, Baugher, Rasmussen, Unsoeld and Todd (by request of Employment Security Department)

Increasing the goals and duties of the Washington conservation corps.

The bill was read the second time.

#### MOTIONS

Senator Kreidler moved that the following Committee on Parks and Ecology amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 3, chapter 40, Laws of 1983 1st ex. sess. and RCW 43.220.030 are each amended to read as follows:

Program goals of the Washington conservation corps include:

(1) Conservation, rehabilitation, and enhancement of the state's natural, historic, environmental, and recreational resources with emphasis given to projects which address the following state-wide priorities:

(a) Timber, fish and wildlife management plan;

(b) Watershed management plan;

(c) 1989 centennial celebration and tourism;

(d) Puget Sound water quality;

(e) United States-Canada fisheries treaty;

(f) Public access to and environmental education about natural resources through recreational facilities;

(g) Recreational trails;

(2) Development of the state's youth resources through meaningful work experiences;

(3) Making outdoor and historic resources of the state available for public enjoyment;

(4) Teaching of the workings of natural, environmental, and biological systems, as well as basic employment skills;

(5) Assisting agencies in carrying out statutory assignments with limited funding resources; and

(6) Providing needed public services in both urban and rural settings.

Sec. 2. Section 4, chapter 40, Laws of 1983 1st ex. sess. and RCW 43.220.040 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Public lands" means any lands or waters, or interests therein, owned or administered by any agency or instrumentality of the state, federal, or local government.

(2) "Corps" means the Washington conservation corps.

(3) "Corps member" means an individual enrolled in the Washington conservation corps.

(4) "Corps member leaders" or "specialists" means members of the corps who serve in leadership or training capacities or who provide specialized services other than or in addition to the types of work and services that are performed by the corps members in general.

(5) "Council" means the Washington conservation corps coordinating council.

Sec. 3. Section 20, chapter 40, Laws of 1983 1st ex. sess. and RCW 43.220.190 are each amended to read as follows:

The agencies listed in RCW 43.220.020 shall convene a conservation corps coordinating council to meet as needed (~~on the call of the employment security department~~) to establish consistent work standards and placement and evaluation procedures of corps programs. The coordinating council shall be composed of administrative personnel of the (~~implementing~~) agencies. The coordinating council shall serve to reconcile problems that arise in the implementation of the corps programs and develop coordination procedures for emergency responses of corps members.

Sec. 4. Section 1, chapter 230, Laws of 1985 and RCW 43.220.210 are each amended to read as follows:

The (~~department of employment security~~) Washington conservation corps coordinating council shall select, review, approve, and evaluate the success of projects (~~and work agreements~~) under this chapter (~~and chapter 50.65 RCW. The Washington conservation corps coordinating council, as created by RCW 43.220.190 shall recommend work projects to the employment security department for approval~~).

Sec. 5. Section 22, chapter 40, Laws of 1983 1st ex. sess. and RCW 43.220.900 are each amended to read as follows:

The Washington conservation corps shall cease to exist and chapter 43.220 RCW shall expire on July 1, ((1987)) 1995, unless extended by law for an additional fixed period of time.

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Smitherman, the following amendment to the Committee on Parks and Ecology amendment was adopted:

On page 4, line 3, after "approval)," insert:

"Recruitment, job training and placement services shall, whenever possible, be contracted through local educational institutions and/or non profit corporations.

Such contracts may include, but not be limited to, general education development testing, preparation of resumes and job search skills.

All contracts or agreements entered into by agencies listed in RCW 43.220.020 shall be reviewed by the council for compliance with legislative intent as set forth in this section."

The President declared the question before the Senate to be adoption of the Committee on Parks and Ecology amendment, as amended.

The motion by Senator Kreidler carried and the committee amendment, as amended, was adopted.

On motion of Senator Kreidler, the rules were suspended, House Bill No. 707, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 707, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 707, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Voting nay: Senator McCaslin - 1.

HOUSE BILL NO. 707, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 3, by Representatives Hine, H. Sommers, Patrick, Sayan, Holland, Silver, Barnes and P. King

Revising provisions relating to overpayment of retirement benefits.

The bill was read the second time.

#### MOTIONS

On motion of Senator McDermott, the following amendments were considered simultaneously and adopted:

On page 2, line 15, after "(a)" insert the following:

"The employer shall elicit on a written form from all new employees as to their having been retired from a retirement system listed in RCW 41.50.030."

Renumber the remaining paragraphs accordingly.

On page 2, line 17, following "retiree" insert "from information received in subparagraph (a)"

On page 2, line 20, after "actual" insert "employer"

On motion of Senator McDermott, the rules were suspended, House Bill No. 3, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 3, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 3, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

HOUSE BILL NO. 3, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 198, by Committee on Ways and Means/Revenue (originally sponsored by Representatives Sayan and Madsen) (by request of Department of Revenue)

Providing for retail sales tax trust fund accountability.

The bill was read the second time.

## MOTIONS

On motion of Senator McDermott, the following Committee on Ways and Means amendments were considered simultaneously and adopted:

On page 1, line 15, after "RCW." insert "For the purposes of this section, any retail sales taxes that have been paid but not collected shall be deductible from the retail sales taxes collected but not paid."

On page 1, line 19, after "taxes" insert "collected"

On motion of Senator McDermott, the rules were suspended, Substitute House Bill No. 198, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 198, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 198, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 28; nays, 21.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, McDonald, Metcalf, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 28.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, Nelson, Newhouse, Pullen, Saling, Sellar, von Reichbauer, West, Zimmerman - 21.

SUBSTITUTE HOUSE BILL NO. 198, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 238, by Committee on Local Government (originally sponsored by Representatives Cooper, Allen, Rust, Haugen, Nutley, Unsoeld and Lux)

Revising provisions on solid waste management.

The bill was read the second time.

## MOTIONS

On motion of Senator Kreidler, the following Committee on Parks and Ecology amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 4, chapter 295, Laws of 1961 as amended by section 1, chapter 105, Laws of 1965 ex. sess. and RCW 81.77.030 are each amended to read as follows:

The commission shall supervise and regulate every garbage and refuse collection company in this state,

(1) By fixing and altering its rates, charges, classifications, rules and regulations;

(2) By regulating the accounts, service, and safety of operations;

(3) By requiring the filing of annual and other reports and data;

(4) By supervising and regulating such persons or companies in all other matters affecting the relationship between them and the public which they serve;

(5) By reviewing compliance with local solid waste management plans through letters of compliance submitted by the county legislative authority. The compliance letters shall become part of the record in any rate, compliance, or any hearing held by the commission on the issuance, revocation, or reissuance of a certificate as provided for in RCW 81.77.070.

The commission, on complaint made on its own motion or by an aggrieved party, at any time, after the holding of a hearing of which the holder of any certificate has had notice and

an opportunity to be heard, and at which it shall be proven that the holder has wilfully violated or refused to observe any of the commission's orders, rules, or regulations, or has failed to operate as a garbage and refuse collection company for a period of at least one year preceding the filing of the complaint, may suspend, revoke, alter, or amend any certificate issued under the provisions of this chapter.

Sec. 2. Section 5, chapter 295, Laws of 1961 and RCW 81.77.040 are each amended to read as follows:

No garbage and refuse collection company shall hereafter operate for the hauling of garbage and refuse for compensation without first having obtained from the commission a certificate declaring that public convenience and necessity require such operation. A condition of operating a garbage and refuse company in the unincorporated areas of a county shall be complying with the solid waste management plan prepared under chapter 70.95 RCW applicable in the company's franchise area.

Issuance of the certificate of necessity shall be determined upon, but not limited to, the following factors: The present service and the cost thereof for the contemplated area to be served; an estimate of the cost of the facilities to be utilized in the plant for garbage and refuse collection and disposal, sworn to before a notary public; a statement of the assets on hand of the person, firm, association or corporation which will be expended on the purported plant for garbage and refuse collection and disposal, sworn to before a notary public; a statement of prior experience, if any, in such field by the petitioner, sworn to before a notary public; and sentiment in the community contemplated to be served as to the necessity for such a service.

When an applicant requests a certificate to operate in a territory already served by a certificate holder under this chapter, the commission may, after hearing, issue the certificate only if the existing garbage and refuse collection company or companies serving the territory will not provide service to the satisfaction of the commission.

In all other cases, the commission may, with or without hearing, issue certificates, or for good cause shown refuse to issue them, or issue them for the partial exercise only of the privilege sought, and may attach to the exercise of the rights granted such terms and conditions as, in its judgment, the public convenience and necessity may require.

Any right, privilege, certificate held, owned, or obtained by a garbage and refuse collection company may be sold, assigned, leased, transferred, or inherited as other property, but only upon authorization by the commission.

Any garbage and refuse collection company which upon July 1, 1961 is operating under authority of a common carrier or contract carrier permit issued under the provisions of chapter 81.80 RCW shall be granted a certificate of necessity without hearing upon compliance with the provisions of this chapter. Such garbage and refuse collection company which has paid the plate fee and gross weight fees required by chapter 81.80 RCW for the year 1961 shall not be required to pay additional like fees under the provisions of this chapter for the remainder of such year.

NEW SECTION. Sec. 3. A new section is added to chapter 81.77 RCW to read as follows:

A county legislative authority shall periodically comment to the commission in writing concerning the authority's perception of the adequacy of service being provided by regulated franchisees serving the unincorporated areas of the county. The county legislative authority shall also receive and forward to the commission all letters of comment on services provided by regulated franchise holder(s) serving unincorporated areas of the county. Any such written comments or letters shall become part of the record of any rate, compliance, or any other hearing held by the commission on the issuance, revocation, or reissuance of a certificate provided for in RCW 81.77.040."

On motion of Senator Kreidler, the following title amendment was adopted:

On page 1, line 1 of the title, after "management;" strike the remainder of the title and insert "amending RCW 81.77.030 and 81.77.040; adding a new section to chapter 81.77 RCW; and prescribing penalties."

On motion of Senator Kreidler, the rules were suspended, Substitute House Bill No. 238, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 238, as amended by Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 238, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 4.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen,

Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senators Barr, Benitz, McCaslin, Patterson - 4.

SUBSTITUTE HOUSE BILL NO. 238, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 226, by Committee on Commerce and Labor (originally sponsored by Representatives Lux, Ebersole and McMullen)

Authorizing collective bargaining for judicial employees.

The bill was read the second time.

#### MOTIONS

On motion of Senator Halsan, the following amendment was adopted:

On page 3, after line 3, insert the following:

"Sec. 4. Section 36.17.040, chapter 4, Laws of 1963 and RCW 36.17.040 are each amended to read as follows:

The salaries of county officers and employees of counties other than counties of the eighth and ninth classes may be paid twice monthly out of the county treasury, and the county auditor, for services rendered from the first to the fifteenth day, inclusive, may, not later than the ~~((twentieth))~~ last day of the month, draw ~~((his))~~ a warrant upon the county treasurer in favor of each of such officers and employees for the amount of salary due him or her, and such auditor, for services rendered from the sixteenth to the last day, inclusive, may similarly draw ~~((his))~~ a warrant, not later than the ~~((fifth))~~ fifteenth day of the following month, and the county ~~((commissioners))~~ legislative authority, with the concurrence of the county auditor, may enter an order on the record journal empowering him or her so to do: PROVIDED, That if the ~~((board of county commissioners do))~~ county legislative authority does not adopt the semimonthly pay plan, ~~((they))~~ it, by resolution, shall designate the first pay period as a draw day. ~~((The draw day period shall be from the first day to the fifteenth day of the month, inclusive.))~~ Not more than forty percent of said earned monthly salary of each such county officer or employee shall be paid to him on the draw day and the payroll deductions of such officer or employee shall not be deducted from the salary to be paid on the draw day. If officers and employees are paid once a month, the draw day shall not be later than the ~~((twentieth))~~ last day of each month. The balance of the earned monthly salary of each such officer or employee shall be paid not later than the ~~((fifth))~~ fifteenth day of the following month.

In counties of eighth and ninth classes salaries shall be paid monthly unless the ~~((commissioners))~~ county legislative authority by resolution adopts the foregoing draw day procedure."

On motion of Senator Halsan, the following title amendment was adopted:

On page 1, line 2 of the title, strike "and 41.56.030" and insert "41.56.030, and 36.17.040"

On motion of Senator Halsan, the rules were suspended, Substitute House Bill No. 226, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 226, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 226, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 8.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 41.

Voting nay: Senators Anderson, Bailey, Cantu, McCaslin, McDonald, Metcalf, Nelson, Sellar - 8.

SUBSTITUTE HOUSE BILL NO. 226, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 257, by Committee on Ways and Means/Appropriations (originally sponsored by Representatives Jesernig, Jacobsen, Ebersole, Miller, Bristow, Prince, Sprenkle, Grant, Heavey, Nelson, Ballard, Hankins, Unsoeld, Allen, Sazan, Rayburn, Appelwick, Betzoff and Wang)

Establishing a trust fund program for graduate students.

The bill was read the second time.

## MOTION

On motion of Senator Rinehart, the rules were suspended, Second Substitute House Bill No. 257 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Second Substitute House Bill No. 257.

## ROLL CALL

The Secretary called the roll on final passage of Second Substitute House Bill No. 257 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarmatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SECOND SUBSTITUTE HOUSE BILL NO. 257, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 377, by Representatives Hankins, Walk and H. Sommers (by request of Office of Financial Management)

Renaming the deferred compensation revolving fund.

The bill was read the second time.

## MOTION

On motion of Senator McDermott, the rules were suspended, House Bill No. 377 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 377.

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 377 and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarmatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Benitz - 1.

HOUSE BILL NO. 377, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 378, by Representatives Hankins, Walk and H. Sommers (by request of Office of Financial Management)

Renaming the state employees' insurance board revolving fund.

The bill was read the second time.

## MOTION

On motion of Senator McDermott, the rules were suspended, House Bill No. 378 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 378.

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 378 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

HOUSE BILL NO. 378, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 410, by Representatives Rasmussen, Rayburn, Walker, Spanel, Pruitt, Todd, P. King and Winsley; by request of Superintendent of Public Instruction

Creating the state clearinghouse for educational information revolving fund.

The bill was read the second time.

## MOTION

On motion of Senator Gaspard, the rules were suspended, House Bill No. 410 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 410.

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 410 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

HOUSE BILL NO. 410, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED HOUSE BILL NO. 435, by Representatives Hankins, H. Sommers and Brooks (by request of Department of General Administration)

Revising provisions on inactive real estate licenses.

The bill was read the second time.

## MOTIONS

On motion of Senator Williams, the following amendments by Senators Williams and Warnke were considered simultaneously and adopted:

On page 1, beginning on line 22, before "requirement" insert "course"

On page 1, line 22, after "requirement," strike "The" through "fee," on line 23

On motion of Senator Talmadge, the following amendment was adopted:

On page 1, after line 29, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 18.85 RCW to read as follows:

No person licensed under this chapter who is employed by the state and who is conducting real estate transactions on behalf of the state may hold an active license under this chapter."

On motion of Senator Warnke, the following title amendments were considered simultaneously and adopted:

On page 1, line 1 of the title, after "salesmen;" strike "and"

On page 1, line 2 of the title, after "18.85.215" insert "; and adding a new section to chapter 18.85 RCW"

#### MOTION

On motion of Senator Warnke, the rules were suspended, Engrossed House Bill No. 435, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 435, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 435, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

ENGROSSED HOUSE BILL NO. 435, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 489, by Committee on Judiciary (originally sponsored by Representatives Appelwick and P. King)

Revising provisions on probate.

The bill was read the second time.

#### MOTION

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 489 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 489.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 489 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE HOUSE BILL NO. 489, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Bender, Senator Talmadge was excused.

## SECOND READING

HOUSE BILL NO. 545, by Representatives Ferguson, Haugen, Nutley and O'Brien  
Correcting the double amendment to RCW 35.92.070.

The bill was read the second time.

## MOTION

On motion of Senator Vognild, the rules were suspended, House Bill No. 545 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 545.

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 545 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Talmadge - 1.

HOUSE BILL NO. 545, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 805, by Committee on Education (originally sponsored by Representatives Taylor, Ebersole, Brough, Haugen, B. Williams, H. Sommers, Sanders, Leonard, Betrozoff, Ballard, Bristow, May, Locke, Braddock, Peery, Walker, Padden, D. Sommers, Amondson, Schoon, L. Smith, Bumgarner and Miller)

Limiting the availability of state matching funds for school plant construction under certain circumstances.

The bill was read the second time.

## MOTION

On motion of Senator Gaspard, the rules were suspended, Substitute House Bill No. 805 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 805.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 805 and the bill passed the Senate by the following vote: Yeas, 47; nays, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senators Bluechel, Pullen - 2.

SUBSTITUTE HOUSE BILL NO. 805, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 68, by Representatives Rayburn, Nealey, Kremen, Bristow, Prince, P. King, Chandler, Lewis and Dellwo

Authorizing use of irrigation district business office as precinct polling place.

The bill was read the second time.

#### MOTION

On motion of Senator Hansen, the rules were suspended, House Bill No. 68 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 68.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 68 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

HOUSE BILL NO. 68, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 146, by Representatives Lux, Winsley, Nutley, Chandler, Day, P. King, Dellwo and Zellinsky

Revising provisions relating to credit unions.

The bill was read the second time.

#### MOTION

On motion of Senator Moore, the rules were suspended, House Bill No. 146 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 146.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 146 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

HOUSE BILL NO. 146, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 235, by Representatives Fisch, Jacobsen, Dellwo, Hargrove, Haugen, Niemi, Fisher, Ebersole, Basich, Belcher, Cole, Jesernig, Lewis, Walker, R. King, Braddock, Lux, P. King, Bumgarner, Unsold and Miller

Legalizing the possession of drugs prescribed by out-of-state physicians.

The bill was read the second time.

#### MOTION

On motion of Senator Wojahn, the rules were suspended, Engrossed House Bill No. 235 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 235.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 235 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Boltiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

ENGROSSED HOUSE BILL NO. 235, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 237, by Committee on Health Care (originally sponsored by Representatives Cantwell, Brooks, Braddock, Ballard, Scott, P. King, Kremen and Unsoeld) (by request of Department of Social and Health Services)

Changing provisions relating to emergency medical services.

The bill was read the second time.

## MOTIONS

On motion of Senator Wojahn, the following Committee on Human Services and Corrections amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 208, Laws of 1973 1st ex. sess. and RCW 18.73.010 are each amended to read as follows:

The legislature finds that a state-wide program of emergency medical care is necessary to promote the health, safety, and welfare of the citizens of this state. The intent of the legislature is that the secretary of the department of social and health services develop and implement a ((~~program~~)) system to promote immediate prehospital treatment for victims of motor vehicle accidents, suspected coronary illnesses, and other acute illness or trauma.

The legislature further recognizes that emergency medical care and transportation methods are constantly changing and conditions in the various regions of the state vary markedly. The legislature, therefore, seeks to establish a flexible method of implementation and regulation to meet those conditions.

Sec. 2. Section 3, chapter 208, Laws of 1973 1st ex. sess. as last amended by section 5, chapter 112, Laws of 1983 and RCW 18.73.030 are each amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as used in this chapter shall have the meanings indicated.

- (1) "Secretary" means the secretary of the department of social and health services.
- (2) "Department" means the department of social and health services.
- (3) "Committee" means the emergency medical services committee.
- (4) "Ambulance" means a ground or air vehicle designed and used to transport the ill and injured and to provide personnel, facilities, and equipment to treat patients before and during transportation.
- (5) "~~((First))~~ Aid vehicle" means a vehicle used to carry ~~((first))~~ aid equipment and individuals trained in first aid or emergency medical procedure.
- (6) "Emergency medical technician" means a person who is authorized by the secretary to render emergency medical care pursuant to ~~((RCW 18.73.110 as now or hereafter amended))~~ section 7 of this 1987 act.
- (7) "Ambulance operator" means a person who owns one or more ambulances and operates them as a private business.
- (8) "Ambulance director" means a person who is a director of a service which operates one or more ambulances provided by a volunteer organization or governmental agency.
- (9) "~~((First))~~ Aid vehicle operator" means a person who owns one or more ~~((first))~~ aid vehicles and operates them as a private business.
- (10) "~~((First))~~ Aid director" means a person who is a director of a service which operates one or more ~~((first))~~ aid vehicles provided by a volunteer organization or governmental agency.
- (11) "Emergency medical care" or "emergency medical service" means such medical treatment and care which may be rendered ~~((to persons injured, sick, or incapacitated in order to reduce the risk of loss of life or aggravation of illness or injury, including care rendered))~~ at the scene of a medical emergency and while transporting a patient ((from)) in an ambulance ((or other vehicle)) to an appropriate ((location within a hospital or other)) medical facility.

(12) "Communications system" means a radio ((or)) and landline network which provides rapid public access, coordinated central dispatching of services, and coordination of personnel, equipment, and facilities in an emergency medical services system.

(13) "Emergency medical services region" means a region established by the secretary of the department of social and health services pursuant to RCW 18.73.060, as now or hereafter amended.

(14) (~~"Patient care guidelines" mean the written guidelines adopted by local or regional emergency medical services councils which direct the care of the emergency patient. These guidelines shall be based upon the assessment of the patient's medical needs and his geographic location, and shall address which medical care vehicles will be dispatched to the scene, what treatment will be provided for serious conditions, which hospital will first receive the patient, and which hospitals are appropriate for transfer if necessary.~~) "Patient care protocols" means the written procedure adopted by the emergency medical services medical program director which direct the care of the emergency patient. These procedures shall be based upon the assessment of the patient's medical needs and what treatment will be provided for serious conditions.

(15) "Patient care guidelines" means written operating procedures adopted by the local or regional emergency medical services councils and the emergency medical services medical program director and may include which level of medical care personnel will be dispatched to an emergency scene, which hospital will first receive the patient and which hospitals are appropriate for transfer if necessary.

(16) "Emergency medical services medical program director" means a person who is an approved medical program director (under) as defined by RCW 18.71.205(4).

((17)) (17) "Council" means the local or regional emergency medical services advisory council.

((17)) (18) "Basic life support" means emergency medical treatment services.

((18)) (19) "Advanced life support" means emergency medical services requiring advanced ((emergency)) medical treatment skills((, i.e., intravenous technicians, airway technicians, and paramedics)) as defined by chapter 18.71 RCW.

((19)) (20) "System service area" means an emergency medical service area that develops because of trade, patient catchment, market, or other factors and may include county or multicounty boundaries.

((20)) (21) "First responder" means a person who is authorized by the secretary to render emergency medical care ((pursuant to RCW 18.73.205)) as defined by section 7 of this 1987 act.

Sec. 3, Section 5, chapter 208, Laws of 1973 1st ex. sess. as amended by section 3, chapter 261, Laws of 1979 ex. sess. and RCW 18.73.050 are each amended to read as follows:

The committee shall:

(1) Advise the secretary regarding emergency medical care needs throughout the state.

(2) Review regional emergency medical services plans and recommend changes to the secretary before adoption of the plans.

(3) Review all administrative rules proposed for adoption by the secretary under this chapter or under RCW 18.71.205. The secretary shall submit all such rules to the committee in writing. The committee shall, within forty-five days of receiving the proposed rules, advise the secretary of its recommendations. If the committee fails to notify the secretary within forty-five days of receipt of a proposed rule it shall be deemed to be approved by the committee.

((3)) (4) Assist the secretary, at the secretary's request, to fulfill any duty or exercise any power under this chapter.

Sec. 4, Section 6, chapter 208, Laws of 1973 1st ex. sess. and RCW 18.73.060 are each amended to read as follows:

(1) The secretary shall designate at least eight planning and service ((areas)) regions so that all parts of the state are within such an area. These regional designations are to be made on the basis of convenience and efficiency of delivery of needed emergency medical services.

(2) The secretary shall conduct a ((public hearing)) regional emergency medical services advisory council meeting in a major city of each planning and service ((area)) region at least sixty days prior to the formulation of a ((comprehensive)) plan for prehospital emergency medical services. Such ((hearing)) meetings shall (a) afford an opportunity for participation by those interested in the determination of the need for, and the location of ambulances and first aid vehicles and (b) provide a public forum that affords a full opportunity for presenting views on any relevant aspect of prehospital emergency medical services.

Sec. 5, Section 7, chapter 208, Laws of 1973 1st ex. sess. as amended by section 5, chapter 261, Laws of 1979 ex. sess. and RCW 18.73.070 are each amended to read as follows:

After conducting a ((public hearing)) regional emergency medical services advisory council meeting in one or more major cities in each emergency medical service region, affording ((all)) interested persons an opportunity to present their views on any relevant aspect of emergency medicine, the secretary shall adopt a ((state-wide comprehensive)) regional plan for the development and implementation of emergency medical care systems ((based upon the regional plans)). The ((hearings)) meetings shall be held at least sixty days before adoption or revision of the plan. Components of this plan shall include but not be limited to:

Facilities, vehicles, medical and communications equipment, personnel and training, transportation, public information and education, patient care protocols, and coordination of services.

The secretary, with the advice and assistance of the regional emergency medical services advisory council, shall encourage communities and medical care providers to implement the regional plan.

Sec. 6, Section 8, chapter 112, Laws of 1983 and RCW 18.73.073 are each amended to read as follows:

(1) A county or group of counties may create a local emergency medical services advisory council composed of persons representing health services providers, consumers, and local government agencies involved in the delivery of emergency medical services.

(2) Regional emergency medical services advisory councils shall be created by the department with representatives from the local emergency medical services councils within the region and whose representation is determined by the local councils.

(3) Power and duties of the councils are as follows:

(a) Local emergency medical services advisory councils shall review ~~((and))~~, evaluate, and provide recommendations to the department regarding the provision of emergency medical services in the community/system service area, and provide recommendations to the regional emergency medical services advisory councils on ~~((standards and matters relating to))~~ the plan for emergency medical services.

(b) Regional emergency medical services advisory councils shall make recommendations to the department on ~~((projects, programs, and legislation))~~ components of the regional plan needed to improve emergency medical services ~~((in the state))~~ systems.

NEW SECTION, Sec. 7. A new section is added to chapter 18.73 RCW to read as follows:

In addition to other duties prescribed by law, the secretary shall:

(1) Prescribe minimum requirements for:

(a) Ambulance, air ambulance, and aid vehicles and equipment;

(b) Ambulance and aid services; and

(c) Emergency medical communication systems;

(2) Prescribe minimum standards for first responder and emergency medical technician training including:

(a) Adoption of curriculum and period of certification;

(b) Procedures for certification, recertification, decertification, or modification of certificates;

(c) Procedures for reciprocity with other states or national certifying agencies;

(d) Review and approval or disapproval of training programs; and

(e) Adoption of standards for numbers and qualifications of instructional personnel required for first responder and emergency medical technician training programs;

(3) Prescribe minimum standards for evaluating the effectiveness of emergency medical systems in the state;

(4) Adopt a format for submission of regional plans;

(5) Prescribe minimum requirements for liability insurance to be carried by licensed services except that this requirement shall not apply to public bodies; and

(6) Certify emergency medical program directors.

Sec. 8, Section 8, chapter 261, Laws of 1979 ex. sess. and RCW 18.73.085 are each amended to read as follows:

(1) The secretary, with the assistance of the ~~((regional))~~ state emergency medical services ~~((councils))~~ advisory committee, shall adopt a program for the disbursement of funds for the development of the emergency medical ((care)) service system. Under the program, the secretary shall disburse funds to each regional council, or their chosen fiscal agent or agents, which shall be city or county governments, stipulating the purpose for which the funds shall be expended. The regional council shall use such funds to make available matching grants in an amount not to exceed fifty percent of the cost of the proposal for which the grant is made. Grants shall be made to any public or private nonprofit agency which, in the judgment of the regional council, will best fulfill the purpose of the grant.

(2) Grants may be awarded for any of the following purposes:

(a) Establishment and initial development of an emergency medical service ~~((program))~~ system;

(b) Expansion and improvement of an emergency medical service ~~((program))~~ system;

(c) Purchase of equipment for the operation of an emergency medical service ~~((program))~~ system; and

(d) Training and continuing education of emergency medical personnel.

(3) Any emergency medical service ~~((program))~~ agency which receives a grant shall stipulate that it will:

(a) Operate in accordance with patient care ~~((guidelines))~~ protocols adopted by the ~~((regional council))~~ medical program directors; and

(b) Provide, without prior inquiry as to ability to pay, emergency medical care to all patients requiring such care.

NEW SECTION, Sec. 9. A new section is added to chapter 18.73 RCW to read as follows:

The secretary may grant a variance from a provision of this chapter if no detriment to health and safety would result from the variance and compliance is expected to cause reduction or loss of existing emergency medical services. Variances may be granted for a period of no more than one year. A variance may be renewed by the secretary upon approval of the committee.

Sec. 10. Section 13, chapter 208, Laws of 1973 1st ex. sess. as last amended by section 13, chapter 261, Laws of 1979 ex. sess. and RCW 18.73.130 are each amended to read as follows:

An ambulance operator, ambulance director, ~~((first))~~ aid vehicle operator or ~~((first))~~ aid director may not operate a service in the state of Washington without holding a license for such operation, issued by the secretary when such operation is consistent with the comprehensive plan established pursuant to RCW 18.73.070, indicating the general area to be served and the number of vehicles to be used, with the following exceptions:

(1) The United States government;

(2) Ambulance operators and ambulance directors providing service in other states when bringing patients into this state;

(3) Owners of businesses in which ambulance or ~~((first))~~ aid vehicles are used exclusively on company property but occasionally in emergencies may bring patients to hospitals not on company property;

(4) Operators of vehicles pressed into service for transportation of patients in emergencies when licensed ambulances are not available or cannot meet overwhelming demand.

The license shall be valid for a period of three years and shall be renewed on request provided the holder has consistently complied with the regulations of the department and the department of licensing and provided also that the needs of the area served have been met satisfactorily. The license shall not be transferable.

Sec. 11. Section 14, chapter 208, Laws of 1973 1st ex. sess. as amended by section 14, chapter 261, Laws of 1979 ex. sess. and RCW 18.73.140 are each amended to read as follows:

The secretary shall ~~((approve the issuance of))~~ issue an ambulance or aid vehicle license for each vehicle so designated. The license shall be for a period of one year and may be reissued on expiration if the vehicle and its ~~((operation))~~ equipment meet requirements in force at the time of expiration of the license period. The license may be revoked if the ambulance or aid vehicle is found to be operating in violation of the regulations promulgated by the department or without required equipment. The license shall be terminated automatically if the vehicle is sold or transferred to the control of anyone not currently licensed as an ambulance or aid vehicle operator or ~~((ambulance))~~ director. The ~~((ambulance))~~ license number shall be prominently displayed on each vehicle.

~~((Licensed ambulances shall be inspected periodically by the secretary at the location of the ambulance station. Inspection shall include adequacy and maintenance of medical equipment and supplies and the mechanical condition of the vehicle including its mechanical and electrical equipment.))~~

Sec. 12. Section 17, chapter 208, Laws of 1973 1st ex. sess. as amended by section 17, chapter 261, Laws of 1979 ex. sess. and RCW 18.73.170 are each amended to read as follows:

The ~~((first))~~ aid vehicle shall be operated in accordance with standards promulgated by the secretary, by at least one person holding a certificate recognized under RCW 18.73.120.

The ~~((first))~~ aid vehicle may be used for transportation of patients only when it is impossible or impractical to obtain an ambulance or when a wait for arrival of an ambulance would place the life of the patient in jeopardy. If so used, the vehicle shall be under the command of a person holding a certificate recognized pursuant to ~~((RCW 18.73.110))~~ section 7 of this 1987 act other than the driver ~~((who shall be in attendance to the patient)).~~

NEW SECTION. Sec. 13. A new section is added to chapter 18.73 RCW to read as follows:

The secretary shall adopt a self-inspection program to assure compliance with minimum standards for vehicles and for medical equipment and personnel on all licensed vehicles. The self-inspection shall coincide with the vehicle licensing cycle and shall be recorded on forms provided by the department. The department may perform an on-site inspection of any licensed service or vehicles as needed.

Sec. 14. Section 18, chapter 208, Laws of 1973 1st ex. sess. as amended by section 18, chapter 261, Laws of 1979 ex. sess. and RCW 18.73.180 are each amended to read as follows:

Other vehicles not herein defined by this chapter shall not be used ~~((commercially or by public services))~~ for transportation of patients who must be carried on a stretcher ~~((and))~~ or who may require medical attention en route, except that such transportation may be used when a disaster creates a situation that cannot be served by licensed ambulances.

Sec. 15. Section 19, chapter 208, Laws of 1973 1st ex. sess. and RCW 18.73.190 are each amended to read as follows:

Any person who ~~((shall))~~ violates any of the provisions of this chapter and for which a penalty is not provided shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in any sum not exceeding one hundred dollars for each day of the violation, or may be imprisoned in the county jail not exceeding six months.

Sec. 16. Section 1, chapter 178, Laws of 1980 and RCW 18.73.210 are each amended to read as follows:

The legislature finds that accidental and purposeful (~~(ingestions of)~~) exposure to drugs and poisonous substances continues to be a severe health problem in the state of Washington. It further finds that a significant reduction in the consequences of such accidental (~~(ingestions)~~) exposures have occurred as a result of the (~~(development of regional)~~) services provided by poison information centers.

The purpose of (~~(RCW 18.73.210 through 18.73.230)~~) this chapter is to reduce morbidity and mortality associated with overdose and poisoning incidents by providing emergency telephone assistance and treatment referral to victims of such incidents, by providing immediate treatment information to health care professionals, and (~~(by establishing an effective)~~) public education and prevention programs. Further, the purpose is to improve utilization of drugs by providing information to health professionals relating to appropriate therapeutic drug use.

The legislature recognizes that enhanced cooperation between the emergency medical system and poison control centers will aid in responding to emergencies resulting from exposure to drugs and poisonous substances.

Sec. 17, Section 2, chapter 178, Laws of 1980 and RCW 18.73.220 are each amended to read as follows:

~~((As limited by the availability of funds appropriated by this act.))~~ The department shall, in a manner consistent with this chapter, provide support for the (~~(establishment of a)~~) state-wide program of poison (~~(control)~~) and drug information services (~~(with regional units to be)~~) conducted by poison information centers located in the (~~(city)~~) cities of Seattle and (~~(the city of)~~) Spokane and satellite units (~~(that may be established)~~) located in the cities of Tacoma and Yakima. The services of this program shall be:

- (1) Emergency telephone management and treatment referral of victims of poisoning and overdose incidents;
- (2) Information to health professionals involved in management of poisoning and overdose victims;
- (3) Community education programs designed to inform the public of poison prevention methods; and
- (4) Information to health professionals (~~(relating to)~~) regarding appropriate therapeutic use of medications, their compatibility and stability, and adverse drug reactions and interactions.

Sec. 18, Section 3, chapter 178, Laws of 1980 and RCW 18.73.230 are each amended to read as follows:

(1) The principal activities of the poison (~~(control and drug information program)~~) information centers shall be answering requests by telephone for poison information and making recommendations for appropriate emergency management and treatment referral of poisoning exposure and overdose victims. These services, provided around-the-clock, will involve determining whether treatment can be accomplished (~~(in the home setting)~~) at the scene of the incident or whether transport to an emergency treatment facility is required; recommending treatment measures to appropriate personnel; and carrying out follow-up to assure that adequate care is provided.

(2) (~~(Program)~~) Poison center personnel shall provide follow-up education to prevent future similar incidents. They shall also provide community education programs designed to improve public awareness of poisoning and overdose problems, and to educate the public regarding prevention.

(3) (~~(Program)~~) Poison center personnel shall answer drug information questions from health professionals by providing current, accurate, and unbiased information (~~(relating to)~~) regarding drugs and their therapeutic uses.

(4) (~~(The program)~~) Poison centers shall utilize physicians, pharmacists, nurses, and supportive personnel trained in various aspects of toxicology, poison control and prevention, and drug information retrieval and analysis.

**NEW SECTION.** Sec. 19. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

- (1) "Department" means the department of social and health services.
- (2) "Poison information center medical director" means a person who: (a) Is licensed to practice medicine and surgery under chapter 18.71 RCW or osteopathy and surgery under chapter 18.57 RCW; (b) is certified by the secretary under standards adopted under section 20 of this act; and (c) provides services enumerated under sections 17 and 18 of this act, and is responsible for supervision of poison information specialists.
- (3) "Poison information specialist" means a person who provides services enumerated under sections 17 and 18 of this act under the supervision of a poison information center medical director and is certified by the secretary under standards adopted under section 20 of this act.
- (4) "Secretary" means the secretary of social and health services.

**NEW SECTION.** Sec. 20. The secretary with the advice of the emergency medical services committee established under RCW 18.73.050 shall adopt rules, under chapter 34.04 RCW, prescribing:

- (1) Standards for the operation of a poison information center;

(2) Standards and procedures for certification, recertification and decertification of poison center medical directors and poison information specialists; and

(3) Standards and procedures for reciprocity with other states or national certifying agencies.

NEW SECTION, Sec. 21. (1) A person may not act as a poison center medical director or poison information specialist of a poison information center without being certified by the secretary under this chapter.

(2) Notwithstanding subsection (1) of this section, if a poison center medical director terminates certification or is decertified, that poison center medical director's authority may be delegated by the department to any other person licensed to practice medicine and surgery under chapter 18.71 RCW or osteopathy and surgery under chapter 18.57 RCW for a period of thirty days, or until a new poison center medical director is certified, whichever comes first.

NEW SECTION, Sec. 22. (1) No act done or omitted in good faith while performing duties as a poison center medical director or poison information specialist of a poison information center shall impose any liability on the poison center, its officers, the poison center medical director, the poison information specialist, or other employees.

(2) This section:

(a) Applies only to acts or omissions committed or omitted in the performance of duties which are within the area of responsibility and expertise of the poison center medical director or poison information specialist.

(b) Does not relieve the poison center or any person from any duty imposed by law for the designation or training of a person certified under this chapter.

(c) Does not apply to any act or omission which constitutes gross negligence or wilful or wanton conduct.

NEW SECTION, Sec. 23. The department shall defend any poison center medical director or poison information specialist for any act or omission subject to section 22 of this act.

NEW SECTION, Sec. 24. Sections 19 through 23 of this act shall constitute a new chapter in Title 18 RCW.

NEW SECTION, Sec. 25. RCW 18.73.210, 18.73.220, and 18.73.230 are each recodified as sections in the chapter created under section 24 of this act.

NEW SECTION, Sec. 26. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 27. The following acts or parts of acts are each repealed:

(1) Section 7, chapter 112, Laws of 1983 and RCW 18.73.077;

(2) Section 8, chapter 208, Laws of 1973 1st ex. sess., section 6, chapter 261, Laws of 1979 ex. sess. and RCW 18.73.080;

(3) Section 9, chapter 208, Laws of 1973 1st ex. sess., section 9, chapter 261, Laws of 1979 ex. sess. and RCW 18.73.090;

(4) Section 10, chapter 208, Laws of 1973 1st ex. sess., section 10, chapter 261, Laws of 1979 ex. sess. and RCW 18.73.100;

(5) Section 11, chapter 208, Laws of 1973 1st ex. sess., section 11, chapter 261, Laws of 1979 ex. sess., section 1, chapter 53, Laws of 1982 and RCW 18.73.110;

(6) Section 16, chapter 208, Laws of 1973 1st ex. sess., section 16, chapter 261, Laws of 1979 ex. sess. and RCW 18.73.160; and

(7) Section 6, chapter 112, Laws of 1983 and RCW 18.73.205."

On motion of Senator Wojahn, the following title amendment was adopted:

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "amending RCW 18.73.010, 18.73.030, 18.73.050, 18.73.060, 18.73.070, 18.73.073, 18.73.085, 18.73.130, 18.73.140, 18.73.170, 18.73.180, 18.73.190, 18.73.210, 18.73.220, and 18.73.230; adding new sections to chapter 18.73 RCW; adding a new chapter to Title 18 RCW; recodifying RCW 18.73.210, 18.73.220, and 18.73.230; and repealing RCW 18.73.077, 18.73.080, 18.73.090, 18.73.100, 18.73.110, 18.73.160, and 18.73.205."

#### MOTION

On motion of Senator Wojahn, the rules were suspended, Substitute House Bill No. 237, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 237, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 237, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner,

Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Deccio - 1.

SUBSTITUTE HOUSE BILL NO. 237, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 255, by Representatives Cooper, Schmidt, Walk, P. King, L. Smith and Dellwo (by request of Department of Licensing)

Permitting waiver of penalty assessments for late transfer of vehicle ownership.

The bill was read the second time.

#### MOTION

On motion of Senator Bender, the rules were suspended, House Bill No. 255 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 255.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 255 and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting ye: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Johnson - 1.

HOUSE BILL NO. 255, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 221, by Committee on Ways and Means/Appropriations (originally sponsored by Representatives Lux, Barnes, Belcher, Unsoeld, Nealey, Jacobsen, Day, B. Williams, May, Schoon, Pruitt, Ferguson, Fuhrman, Doty, Madsen, Betzoff, Dellwo, Amondson, Moyer, Miller, Chandler, Brough, Todd and Silver)

Providing access for hearing impaired to telecommunications devices.

The bill was read the second time.

#### MOTIONS

On motion of Senator Williams, the following Committee on Energy and Utilities amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that it is more difficult for hearing impaired people to have access to the telecommunications system than hearing persons. It is imperative that hearing impaired people be able to reach government offices and health, human, and emergency services with the same ease as other taxpayers. Regulations to provide telecommunications devices for the deaf with a relay system will help ensure that the hearing impaired community has equal access to the public accommodations and telecommunications system in the state of Washington in accordance with chapter 49.60 RCW.

NEW SECTION. Sec. 2. A new section is added to chapter 43.20A RCW to read as follows:

"Hearing impaired" means those persons who are certified to be deaf, deaf-blind, or hard of hearing, and those persons who are certified to have a hearing disability limiting their access to telecommunications.

"Telecommunications device for the deaf (TDD)" means a teletypewriter that has a typewriter keyboard and a readable display that couples with the telephone, allowing messages to be typed rather than spoken. The device allows a person to make a telephone call directly

to another person possessing similar equipment. The conversation is typed through one machine to the other machine instead of spoken.

"TDD relay system" is a service for hearing impaired people who have a TDD to call someone who does not have a TDD or vice versa. The service consists of several telephones being utilized by TDD relay service operators who receive either TDD or voice phone calls. If a TDD relay service operator receives a phone call from a hearing impaired person wishing to call a hearing person, the operator will call the hearing person and act as an intermediary by translating what is displayed on the TDD to voice and typing what is voiced into the TDD to be read by the deaf caller. This process can also be reversed with a hearing person calling a deaf person through the TDD relay service.

"Qualified trainer" is a person who is knowledgeable about TDDs, signal devices, and amplifying accessories; familiar with the technical aspects of equipment designed to meet hearing impaired people's needs; and is fluent in American sign language.

"Qualified contractor" shall have bilingual staff available for quality language/cultural interpretations; quality training of operators; and policies, training, and operational procedures to be determined by the office.

"The department" means the department of social and health services of the state of Washington.

"Office" means the office of deaf services within the state department of social and health services.

NEW SECTION, Sec. 3. A new section is added to chapter 43.20A RCW to read as follows:

(1) The department shall design and implement a program whereby TDDs, signal devices, and amplifying accessories capable of serving the needs of the hearing impaired shall be provided at no charge additional to the basic exchange rate, to an individual of school age or older, who is certified as hearing impaired by a licensed physician, audiologist, or a qualified state agency, and to any subscriber that is an organization representing the hearing impaired, as determined and specified by the TDD advisory committee. For the purpose of this section, certification implies that individuals cannot use the telephone for expressive or receptive communications due to hearing impairment.

(2) The office shall award contracts on a competitive basis, to qualified persons for which eligibility to contract is determined by the office, for the distribution and maintenance of such TDDs, signal devices, and amplifying accessories as shall be determined by the office. Such contract shall include a provision for the employment and use of a qualified trainer and the training of recipients in the use of such devices.

(3) TDDs, signal devices, and amplifying accessories shall be made available to qualified recipients by December 1, 1987.

NEW SECTION, Sec. 4. A new section is added to chapter 43.20A RCW to read as follows:

(1) The department advisory committee on deafness shall establish a TDD advisory committee to study the feasibility of implementing a state-wide telecommunications relay system. The TDD advisory committee shall consist of individuals from hearing impaired communities, representatives from the department, utilities and transportation commission, agencies and services serving the hearing impaired, and local exchange companies in the state. In order to develop and implement a state-wide relay system providing cost-effective relay centers at a reasonable cost and that will meet the requirements of the hearing impaired, the TDD advisory committee shall investigate options, conduct public hearings to determine the most cost-effective method of creating a state-wide relay system providing relay centers to the hearing impaired, and solicit the advice, counsel, and assistance of interested parties and nonprofit consumer organizations for hearing impaired persons state-wide. Such committee shall begin the study within thirty days of the effective date of this section, to be completed within six months after the study begins. The TDD advisory committee, shall also, in conjunction with the department, monitor the activities and moneys that is being spent by the department for the program herein.

(2) Pursuant to the recommendations of the TDD advisory committee, the office shall implement a program whereby relay centers will be provided state-wide using operator intervention to connect hearing impaired persons and offices of organizations representing the hearing impaired, as determined and specified by the TDD advisory committee pursuant to subsection (4) of this section, and connect hearing persons within six months after the office receives the recommendations.

(3) The program will be funded by telecommunications devices for the deaf (TDD) excise tax applied to each switched access line provided by the local exchange companies. The office shall determine the amount of money needed to fund the program. That information shall be given to the utilities and transportation commission. The utilities and transportation commission shall then determine the amount of TDD excise tax to be placed on each access line. The TDD excise tax shall not exceed ten cents per month per access line. The TDD excise tax shall be separately identified on each ratepayer's bill as "Telecommunications devices funds for deaf and hearing impaired." All proceeds from the TDD excise tax will be put into a fund to be administered by the office through the department.

(4) The TDD advisory committee shall establish criteria and specify state-wide organizations representing the hearing impaired meeting such criteria that are to receive telecommunications devices pursuant to section 3(1) of this act, and in which offices the equipment shall be installed if an organization has more than one office.

(5) The office shall establish a policy determining the ultimate ownership and responsibility for the recovery of TDDs, signal devices, and amplifying accessories from recipients who are moving from this state.

(6) The office shall administer and control the award of money to all parties incurring costs in implementing and maintaining telecommunications services, programs, equipment, and technical support services in accordance with the provisions of section 3 of this act.

(7) A study will be authorized to determine the number of hearing impaired people who have party lines and the costs of converting them to single lines. The TDD advisory committee will report the study findings to the utilities and transportation commission. The study will be completed by the TDD advisory committee within a year of the effective date of this section.

NEW SECTION. Sec. 5. Nothing in sections 3 and 4 of this act is inconsistent with any telecommunications device systems created by county legislative authorities under RCW 70.54.180. To the extent possible, the office, utilities and transportation commission, the TDD advisory committee, and any other persons or organizations implementing the provisions of sections 3 and 4 of this act will use the telecommunications devices already in place and work with county governments in ensuring that no duplication of services occurs.

NEW SECTION. Sec. 6. This act shall be known as the "Clyde Randolph Ketchum Act."

NEW SECTION. Sec. 7. Sections 1 through 6 of this act shall expire June 30, 1990. A review and determination on its continuation beyond this date shall be made prior to its expiration."

On motion of Senator Williams, the following title amendment was adopted:

On page 1, line 2 of the title, after "impaired," strike the remainder of the title and insert "adding new sections to chapter 43.20A RCW; creating new sections; and providing an expiration date."

#### MOTION

On motion of Senator Williams, the rules were suspended, Engrossed Second Substitute House Bill No. 221, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Bender, Senator Fleming was excused.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute House Bill No. 221, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute House Bill No. 221, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senator Pullen - 1.

Excused: Senator Fleming - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 221, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5045.

SENATE BILL NO. 5105.

SUBSTITUTE SENATE BILL NO. 5144.

SUBSTITUTE SENATE BILL NO. 5170.

## MOTIONS

At 11:56 a.m., on motion of Senator Vognild, the Senate recessed until 1:30 p.m.

## AFTERNOON SESSION

The Senate was called to order at 1:51 p.m. by President Cherberg.

## SECOND READING

HOUSE BILL NO. 44, by Representatives Todd, Barnes, Madsen, Winsley, Baugher and Patrick

Clarifying procedures on the collection of property taxes on mobile homes.

The bill was read the second time.

## MOTION

On motion of Senator Vognild, the rules were suspended, House Bill No. 44 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 44.

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 44 and the bill passed the Senate by the following vote: Yeas, 46; absent, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Craswell, Peterson, Saling - 3.

HOUSE BILL NO. 44, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTIONS

On motion of Senator Bender, Senator Peterson was excused.

## SECOND READING

HOUSE BILL NO. 49, by Representatives Vaile, Allen, Rust, R. King and P. King

Establishing a governor's award of excellence for achievement in hazardous or solid waste management.

The bill was read the second time.

## MOTION

On motion of Senator Kreidler the rules were suspended, House Bill No. 49 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 49.

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 49 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Saling - 1.

Excused: Senator Peterson - 1.

HOUSE BILL NO. 49, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 51, by Representatives Lux, Winsley, P. King, Crane, Niemi, Wang, Brooks, Locke and Meyers (by request of Insurance Commissioner)

Authorizing the continuation of the Washington Essential Property Insurance Inspection and Placement Program.

The bill was read the second time.

#### MOTION

On motion of Senator Vognd, the rules were suspended, House Bill No. 51 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 51.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 51 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognd, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Peterson - 1.

HOUSE BILL NO. 51, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 258, by Committee on Health Care (originally sponsored by Representatives Braddock, Brooks, Lewis, Moyer, Lux, D. Sommers, Sprengle and Unsoeld) (by request of Department of Social and Health Services)

Changing provisions relating to public health fees.

The bill was read the second time.

#### MOTIONS

On motion of Senator Wojahn, the following Committee on Human Services and Corrections amendments were considered simultaneously and adopted:

- On page 2, line 19, after "fee of" strike "ten" and insert "eleven"
- On page 2, line 34, after "charge" strike "ten" and insert "eleven"
- On page 2, line 35, after "and" strike "five" and insert "six"
- On page 3, line 2, after "for" strike "two" and insert "three"
- On page 3, line 6, after "turn" strike "two" and insert "three"
- On page 3, line 9, strike "Two" and insert "Three"

On motion of Senator Wojahn, the rules were suspended, Engrossed Substitute House Bill No. 258, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 258, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 258, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 35; nays, 10; absent, 3; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Conner, DeJarnatt, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Patterson, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 35.

Voting nay: Senators Benitz, Cantu, Craswell, Deccio, Garrett, Lee, McCaslin, Pullen, Sellar, Zimmerman - 10.

Absent: Senators Bottiger, Fleming, Owen - 3.

Excused: Senator Peterson - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 258, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 259, by Committee on Health Care (originally sponsored by Representatives Braddock and Lux) (by request of Department of Social and Health Services)

Modifying provisions governing water recreation.

The bill was read the second time.

## MOTIONS

On motion of Senator Wojahn, the following Committee on Human Services and Corrections amendment was adopted:

Strike everything after the enacting clause and insert the following:

\*NEW SECTION, Sec. 1. A new section is added to chapter 70.90 RCW to read as follows:

The legislature finds that water recreation facilities are an important source of recreation for the citizens of this state. To promote the public health, safety, and welfare, the legislature finds it necessary to continue to regulate these facilities.

Sec. 2. Section 2, chapter 236, Laws of 1986 and RCW 70.90.110 are each amended to read as follows:

Unless the context clearly requires otherwise the definitions in this section apply throughout this chapter.

(1) "Water recreation facility" means any artificial basin or other structure containing water used or intended to be used for recreation, bathing, relaxation, or swimming, where body contact with the water occurs or is intended to occur and includes auxiliary buildings and appurtenances. The term includes, but is not limited to:

(a) Conventional swimming pools, wading pools, and spray pools;

(b) Recreational water contact facilities as defined in this chapter;

(c) Spa pools and tubs using hot water, cold water, mineral water, air induction, or hydrojets; and

(d) Any area designated for swimming in natural waters with artificial boundaries within the waters.

(2) "Recreational water contact facility" means an artificial water ((contact)) associated facility with design and operational features that provide patron recreational activity which is different from that associated with a conventional swimming pool and purposefully involves immersion of the body partially or totally in the water, ((including)) and that includes but is not limited to, water slides, wave pools, and water ((amusement)) lagoons ((which bring water in contact with patrons)).

~~((2))~~ (3) "Local health officer" means the health officer of the city, county, or city-county department or district or a representative authorized by the local health officer.

~~((3))~~ (4) "Secretary" means the secretary of social and health services.

~~((4))~~ (5) "Person" means an individual, firm, partnership, co-partnership, corporation, company, association, club, government entity, or organization of any kind.

~~((5))~~ (6) "Department" means the department of social and health services.

~~((6))~~ (7) "Board" means the state board of health.

NEW SECTION, Sec. 3. A new section is added to chapter 70.90 RCW to read as follows:

This chapter applies to all water recreation facilities regardless of whether ownership is public or private and regardless of whether the intended use is commercial or private, except that this chapter shall not apply to:

(1) Any water recreation facility for the sole use of residents and invited guests at a single family dwelling;

(2) Therapeutic water facilities operated exclusively for physical therapy; and

(3) Steam baths and saunas.

NEW SECTION, Sec. 4. A new section is added to chapter 70.90 RCW to read as follows:

Every seller of spas, pools and tubs under RCW 70.90.110(1) (a) and (c) shall furnish to the purchaser a complete set of operating instructions which shall include detailed instructions on the safe use of the spa, pool, or tub and for the proper treatment of water to reduce health risks

to the purchaser. Included in the instructions shall be information about the health effects of hot water and a specific caution and explanation of the health effects of hot water on pregnant women.

Sec. 5. Section 3, chapter 236, Laws of 1986 and RCW 70.90.120 are each amended to read as follows:

(1) The board shall adopt rules under the administrative procedure act, chapter 34.04 RCW, (~~setting~~) governing safety, sanitation, and water quality (~~standards~~) for (~~recreational water contact facilities~~) water recreation facilities. The rules shall include but not be limited to requirements for design; operation; injury and illness (~~reports~~) reporting; biological and chemical contamination standards; water quality monitoring; inspection; permit application and issuance (~~fees sufficient to cover the costs incurred by the department for the administration and enforcement of this chapter~~); and enforcement procedures. However, a water recreation facility intended for the exclusive use of residents of any apartment house complex or of a group of rental housing units of less than fifteen living units, or of a mobile home park, or of a condominium complex or any group or association of less than fifteen home owners shall not be subject to preconstruction design review, routine inspection, or permit or fee requirements; and water treatment of hydroelectric reservoirs or natural streams, creeks, lakes, or irrigation canals shall not be required.

(2) In adopting rules under subsection (1) of this section regarding the operation or design of a recreational water contact facility, the board shall review and consider any recommendations made by the recreational water contact facility advisory committee.

NEW SECTION. Sec. 6. A new section is added to chapter 70.90 RCW to read as follows:

Nothing in this chapter shall prohibit any local board of health from establishing and enforcing any provisions governing safety, sanitation, and water quality for any water recreation facility, regardless of ownership or use, in addition to those rules established by the state board of health under this chapter.

Sec. 7. Section 7, chapter 236, Laws of 1986 and RCW 70.90.160 are each amended to read as follows:

A permit is required for any modification to or construction of any recreational water contact facility after June 11, 1986, and for any other water recreation facility after the effective date of this section. Water recreation facilities existing on the effective date of this section which do not comply with the design and construction requirements established by the state board of health under this chapter may continue to operate without modification to or replacement of the existing physical plant, provided the water quality, sanitation, and life saving equipment are in compliance with the requirements established under this chapter. However, if any modifications are made to the physical plant of an existing water recreation facility the modifications shall comply with the requirements established under this chapter. The plans and specifications for the modification or construction shall be submitted to the applicable local authority or the department as applicable, but a person shall not be required to submit plans at both the state and local levels or apply for both a state and local permit. The plans shall be reviewed and may be approved or rejected or modifications or conditions imposed consistent with this chapter as the public health or safety may require, and a permit shall be issued or denied within thirty days of submittal.

Sec. 8. Section 8, chapter 236, Laws of 1986 and RCW 70.90.170 are each amended to read as follows:

An operating permit from the department or local health officer, as applicable, is required for each (~~recreational~~) water (~~contact~~) recreation facility operated in this state. The permit shall be renewed annually. The permit shall be conspicuously displayed at the (~~recreational water contact~~) water recreation facility.

Sec. 9. Section 9, chapter 236, Laws of 1986 and RCW 70.90.180 are each amended to read as follows:

Nothing in this chapter or the rules adopted under this chapter creates or forms the basis for any liability: (1) On the part of the state and local health jurisdictions, or their officers, employees, or agents, for any injury or damage resulting from the failure of the owner or operator of (~~recreational~~) water (~~contact~~) recreation facilities to comply with this chapter or the rules adopted under this chapter; or (2) by reason or in consequence of any act or omission in connection with the implementation or enforcement of this chapter or the rules adopted under this chapter on the part of the state and local health jurisdictions, or by their officers, employees, or agents.

All actions of local health officers and the secretary shall be deemed an exercise of the state's police power.

Sec. 10. Section 10, chapter 236, Laws of 1986 and RCW 70.90.190 are each amended to read as follows:

Any person operating a (~~recreational water contact facility~~) water recreation facility shall report to the local health officer or the department any serious injury, communicable disease, or death occurring at or caused by the (~~recreational~~) water (~~contact~~) recreation facility.

NEW SECTION. Sec. 11. A new section is added to chapter 70.90 RCW to read as follows:

The violation of any provisions of this chapter and any rules adopted under this chapter shall be a misdemeanor punishable by a fine of not more than five hundred dollars.

NEW SECTION, Sec. 12. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 57, Laws of 1957, section 115, chapter 141, Laws of 1979 and RCW 70.90.010;

(2) Section 2, chapter 57, Laws of 1957, section 116, chapter 141, Laws of 1979 and RCW 70.90.020;

(3) Section 3, chapter 57, Laws of 1957, section 117, chapter 141, Laws of 1979 and RCW 70.90.030;

(4) Section 4, chapter 57, Laws of 1957, section 118, chapter 141, Laws of 1979 and RCW 70.90.040;

(5) Section 1, chapter 236, Laws of 1986 and RCW 70.90.100;

(6) Section 13, chapter 236, Laws of 1986 and RCW 70.90.220; and

(7) Section 5, chapter 57, Laws of 1957 and RCW 70.90.900.

NEW SECTION, Sec. 13. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On motion of Senator Wojahn, the following title amendment was adopted:

On page 1, line 1 of the title, after "recreation," strike the remainder of the title and insert "amending RCW 70.90.110, 70.90.120, 70.90.160, 70.90.170, 70.90.180, and 70.90.190; adding new sections to chapter 70.90 RCW; repealing RCW 70.90.010, 70.90.020, 70.90.030, 70.90.040, 70.90.100, 70.90.220, and 70.90.900; and prescribing penalties."

On motion of Senator Wojahn, the rules were suspended, Substitute House Bill No. 259, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Lee: "Senator Wojahn, I am looking at Section 4 which is the new part that the Senate is adding where we are saying to every seller of spas, pools and tubs that they shall furnish to the purchaser a set of operating instructions, which I presume would be no problem to them, because they probably do that anyway, but that those instructions should include the proper treatment of the water to reduce health risks. Now, I know they do the proper treatment of water as far as reducing--as far as keeping it clean, algae, and so on--and specific information on the health effects of hot water and some of those other sorts of things. Did you have any testimony in your committee to show whether or not this is something that is already available in brochures, or whether or not the Department will be issuing rules and regulations for addendums that will have to go along with all of these sales?"

Senator Wojahn: "Well, the Department will not issue any rules and regulations. That will be done by the State Board of Health which will really adhere to the local jurisdictions in which they are working, so that there will be nothing of that type. Also, if you notice it does add an explanation of the health effects of hot water on pregnant woman, because it can be dangerous to go into too hot a tub. This does not affect any home facility. That is the important thing. This is for public use only."

Senator Lee: "I understand that, but this particular section is to every seller, regardless of who they sell to."

Senator Wojahn: "Well, I presume that any instructions that are available should go to every seller with the facility, with the tub or whatever it is, so that they know how to install it--what not to do and what to do--and the rules would come from the State Board of Health and they're probably in place already."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 259, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 259, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 26; nays, 23.

Voting yeas: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kiskaddon, Kreidler, McDermott, Moore, Owen, Peterson, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognlid, Warnke, Williams, Wojahn - 26.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, von Reichbauer, West, Zimmerman - 23.

SUBSTITUTE HOUSE BILL NO. 259, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SUBSTITUTE HOUSE BILL NO. 359, by Committee on Ways and Means/Appropriations (originally sponsored by Representatives H. Sommers, Silver, Locke, B. Williams, Braddock, Niemi, Patrick and Dellwo)

Revising provisions relating to the judicial retirement system.

The bill was read the second time.

### MOTION

Senator McDermott moved that the following Committee on Ways and Means amendments be considered simultaneously and adopted:

On page 3, beginning on line 4, after "judge," strike all material down to and including line 8

On page 5, line 15, strike "ten" and insert "~~((ten))~~ eight"

On page 5, beginning on line 22, after "death" strike all material down to and including "cease." on line 24 and insert "~~((AND PROVIDED FURTHER, That if the surviving spouse remarries all benefits under this chapter shall cease))~~."

On page 5, after line 30, insert the following:

"(3) The surviving spouse of any judge who had served eight or more years and who died in office after January 1, 1986, but prior to the effective date of this 1987 section is eligible for the survivor benefit provided in subsection (1) of this section."

On page 8, beginning on line 5, strike all material down to and including line 16

Renumber the sections consecutively and correct internal references accordingly.

On page 8, after line 23, insert the following:

"Sec. 12. Section 3, chapter 229, Laws of 1937 as last amended by section 1, chapter 154, Laws of 1973 1st ex. sess. and RCW 2.12.030 are each amended to read as follows:

Supreme court, court of appeals, or superior court judges of the state who retire from office under the provisions of this chapter other than as provided in RCW 2.12.012 shall be entitled to receive monthly during the period of their natural life, out of the fund hereinafter created, an amount equal to one-half of the monthly salary they were receiving as a judge at the time of their retirement, or at the end of the term immediately prior to their retirement if their retirement is made after expiration of their term. The surviving spouse of any judge who shall have heretofore retired or may hereafter retire, or of a judge who was heretofore or may hereafter be eligible for retirement at the time of death, if the surviving spouse had been married to the judge for three years, if the surviving spouse had been married to the judge prior to retirement, shall be paid an amount equal to one-half of the retirement pay of the judge (~~((as long as such surviving spouse remains unmarried))~~). The retirement pay shall be paid monthly by the state treasurer on or before the tenth day of each month. The provisions of this section shall apply to the surviving spouse of any judge who dies while holding such office or dies after having retired under the provisions of this chapter and who at the time of death had served ten or more years in the aggregate as a judge of the supreme court, court of appeals, or superior court or any of such courts, or had served an aggregate of twelve years in the supreme court, court of appeals, or superior court if such pension rights are based upon RCW 2.12.012.

Sec. 13. Section 1, chapter 274, Laws of 1947 as last amended by section 7, chapter 13, Laws of 1985 and RCW 41.40.010 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the public employees' retirement system provided for in this chapter.

(2) "Retirement board" means the board provided for in this chapter and chapter 41.26 RCW.

(3) "State treasurer" means the treasurer of the state of Washington.

(4) (a) "Employer" for persons who establish membership in the retirement system on or before September 30, 1977, means every branch, department, agency, commission, board, and office of the state, any political subdivision or association of political subdivisions of the state admitted into the retirement system, and legal entities authorized by RCW 35.63.070 and 36.70.060 or chapter 39.34 RCW as now or hereafter amended; and the term shall also include any labor guild, association, or organization the membership of a local lodge or division of which is comprised of at least forty percent employees of an employer (other than such labor guild, association, or organization) within this chapter. The term may also include any city of the first class that has its own retirement system.

(b) "Employer" for persons who establish membership in the retirement system on or after October 1, 1977, means every branch, department, agency, commission, board, and office of the state, and any political subdivision and municipal corporation of the state admitted into the retirement system, including public agencies created pursuant to RCW 35.63.070, 36.70.060, and 39.34.030.

(5) "Member" means any employee included in the membership of the retirement system, as provided for in RCW 41.40.120.

(6) "Original member" of this retirement system means:

(a) Any person who became a member of the system prior to April 1, 1949;

(b) Any person who becomes a member through the admission of an employer into the retirement system on and after April 1, 1949, and prior to April 1, 1951;

(c) Any person who first becomes a member by securing employment with an employer prior to April 1, 1951, provided the member has rendered at least one or more years of service to any employer prior to October 1, 1947;

(d) Any person who first becomes a member through the admission of an employer into the retirement system on or after April 1, 1951, provided, such person has been in the regular employ of the employer for at least six months of the twelve-month period preceding the said admission date;

(e) Any member who has restored all contributions that may have been withdrawn as provided by RCW 41.40.150 and who on the effective date of the individual's retirement becomes entitled to be credited with ten years or more of membership service except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member;

(f) Any member who has been a contributor under the system for two or more years and who has restored all contributions that may have been withdrawn as provided by RCW 41.40.150 and who on the effective date of the individual's retirement has rendered five or more years of service for the state or any political subdivision prior to the time of the admission of the employer into the system, except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member.

(7) "New member" means a person who becomes a member on or after April 1, 1949, except as otherwise provided in this section.

(8) (a) "Compensation earnable" for persons who establish membership in the retirement system on or before September 30, 1977, means salaries or wages earned during a payroll period for personal services and where the compensation is not all paid in money, maintenance compensation shall be included upon the basis of the schedules established by the member's employer: PROVIDED, That retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wage which the individual would have earned during a payroll period shall be considered compensation earnable and the individual shall receive the equivalent service credit: PROVIDED FURTHER, That if a leave of absence is taken by an individual for the purpose of serving in the state legislature, the salary which would have been received for the position from which the leave of absence was taken, shall be considered as compensation earnable if the employee's contribution is paid by the employee and the employer's contribution is paid by the employer or employee.

(b) "Compensation earnable" for persons who establish membership in the retirement system on or after October 1, 1977, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States Internal Revenue Code, but shall exclude nonmoney maintenance compensation and lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay: PROVIDED, That retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wage which the individual would have earned during a payroll period shall be considered compensation earnable to the extent provided above, and the individual shall receive the equivalent service credit: PROVIDED FURTHER, That in any year in which a member serves in the legislature, the member shall have the option of having such member's compensation earnable be the greater of:

(i) the compensation earnable the member would have received had such member not served in the legislature; or

(ii) such member's actual compensation earnable received for nonlegislative public employment and legislative service combined. Any additional contributions to the retirement system required because compensation earnable under subparagraph (i) of this subsection is greater than compensation earnable under subparagraph (ii) of this subsection shall be paid by the member for both member and employer contributions.

(9) (a) "Service" for persons who establish membership in the retirement system on or before September 30, 1977, means periods of employment rendered to any employer for which compensation is paid, and includes time spent in office as an elected or appointed official of an employer. Full time work for seventy hours or more in any given calendar month shall constitute one month of service. Only months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter. Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits.

Members employed by the state school for the blind, or the state school for the deaf shall receive twelve months of service for each contract year or school year of employment commencing on or after June 15, 1979.

Each member who is employed by an institution of higher education or a community college shall receive twelve months of service for each academic year of employment commencing on or after June 15, 1979, in which the member makes member contributions under this chapter for each month of such academic year, and the member is employed in a position which is restricted as to duration by the employer to the academic year.

Service by a state employee officially assigned by the state on a temporary basis to assist another public agency, shall be considered as service as a state employee: PROVIDED, That service to any other public agency shall not be considered service as a state employee if such service has been used to establish benefits in any other public retirement system: PROVIDED FURTHER, That an individual shall receive no more than a total of twelve months of service credit during any calendar year: PROVIDED FURTHER, That where an individual is employed by two or more employers the individual shall only receive one months service credit during any calendar month in which multiple service for seventy or more hours is rendered.

During the regular contract year or school year of employment, members employed by school districts shall receive service credit in any month in which the school is closed for a vacation period of five calendar days or more. The member shall have been employed or on paid leave of absence for at least three and one-half hours each day the school was open or shall have received compensation for service averaging at least three and one-half hours for each such day.

(b) "Service" for persons who establish membership in the retirement system on or after October 1, 1977, means periods of employment by a member for one or more employers for which compensation earnable is earned for ninety or more hours per calendar month.

During the regular contract year or school year of employment, members employed by school districts shall receive service credit in any month in which the school is closed for a vacation period of five calendar days or more. The member shall have been employed or on paid leave of absence for at least four and one-half hours each day the school was open or shall have received compensation for service averaging at least four and one-half hours for each such day.

Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits.

Members employed by school districts, the state school for the blind, the state school for the deaf, institutions of higher education, or community colleges shall receive twelve months of service for each contract year or school year of employment.

Service in any state elective position shall be deemed to be full time service, except that persons serving in state elective positions who are members of the teachers' retirement system or law enforcement officers' and fire fighters' retirement system at the time of election or appointment to such position may elect to continue membership in the teachers' retirement system or law enforcement officers' and fire fighters' retirement system.

A member shall receive a total of not more than twelve months of service for such calendar year: PROVIDED, That when an individual is employed by two or more employers the individual shall only receive one month's service credit during any calendar month in which multiple service for ninety or more hours is rendered.

(10) "Prior service" means all service of an original member rendered to any employer prior to October 1, 1947.

(11) "Membership service" means:

(a) All service rendered, as a member, after October 1, 1947;

(b) All service after October 1, 1947, to any employer prior to the time of its admission into the retirement system: PROVIDED, That an amount equal to the employer and employee contributions which would have been paid to the retirement system on account of such service shall have been paid to the retirement system with interest (as computed by the department) on the employee's portion prior to retirement of such person, by the employee or his employer, except as qualified by RCW 41.40.120: PROVIDED FURTHER, That employer contributions plus employee contributions with interest submitted by the employee under this subsection shall be placed in the employee's individual account in the employees' savings fund and be treated as

any other contribution made by the employee, with the exception that the contributions submitted by the employee in payment of the employer's obligation, together with the interest the director may apply to the employer's contribution, shall be excluded from the calculation of the member's annuity in the event the member selects a benefit with an annuity option:

(c) Service not to exceed six consecutive months of probationary service rendered after April 1, 1949, and prior to becoming a member, in the case of any member, upon payment in full by such member of the total amount of the employer's contribution to the retirement fund which would have been required under the law in effect when such probationary service was rendered if the member had been a member during such period, except that the amount of the employer's contribution shall be calculated by the director based on the first month's compensation earnable as a member;

(d) Service not to exceed six consecutive months of probationary service, rendered after October 1, 1947, and before April 1, 1949, and prior to becoming a member, in the case of any member, upon payment in full by such member of five percent of such member's salary during said period of probationary service, except that the amount of the employer's contribution shall be calculated by the director based on the first month's compensation earnable as a member.

(12) (a) "Beneficiary" for persons who establish membership in the retirement system on or before September 30, 1977, means any person in receipt of a retirement allowance, pension or other benefit provided by this chapter.

(b) "Beneficiary" for persons who establish membership in the retirement system on or after October 1, 1977, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(13) "Regular interest" means such rate as the director may determine.

(14) "Accumulated contributions" means the sum of all contributions standing to the credit of a member in the member's individual account together with the regular interest thereon.

(15) (a) "Average final compensation" for persons who establish membership in the retirement system on or before September 30, 1977, means the annual average of the greatest compensation earnable by a member during any consecutive two year period of service for which service credit is allowed; or if the member has less than two years of service then the annual average compensation earnable during the total years of service for which service credit is allowed.

(b) "Average final compensation" for persons who establish membership in the retirement system on or after October 1, 1977, means the member's average compensation earnable of the highest consecutive sixty months of service prior to such member's retirement, termination, or death. Periods constituting authorized leaves of absence may not be used in the calculation of average final compensation.

(16) "Final compensation" means the annual rate of compensation earnable by a member at the time of termination of employment.

(17) "Annuity" means payments for life derived from accumulated contributions of a member. All annuities shall be paid in monthly installments.

(18) "Pension" means payments for life derived from contributions made by the employer. All pensions shall be paid in monthly installments.

(19) "Retirement allowance" means the sum of the annuity and the pension.

(20) "Employee" means any person who may become eligible for membership under this chapter, as set forth in RCW 41.40.120.

(21) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality and other tables as may be adopted by the director.

(22) "Retirement" means withdrawal from active service with a retirement allowance as provided by this chapter.

(23) "Eligible position" means:

(a) Any position which normally requires five or more uninterrupted months of service a year for which regular compensation is paid to the occupant thereof;

(b) Any position occupied by an elected official or person appointed directly by the governor for which compensation is paid.

(24) "Ineligible position" means any position which does not conform with the requirements set forth in subdivision (23).

(25) "Leave of absence" means the period of time a member is authorized by the employer to be absent from service without being separated from membership.

(26) "Totally incapacitated for duty" means total inability to perform the duties of a member's employment or office or any other work for which the member is qualified by training or experience.

(27) "Retiree" for persons who establish membership in the retirement system on or after October 1, 1977, means any member in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by such member.

(28) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(29) "Director" means the director of the department.

(30) "State elective position" means any position held by any person elected or appointed to state-wide office or elected or appointed as a member of the legislature.

(31) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(32) "Judges" means judges of the district courts, the superior courts, the court of appeals, and the supreme court first appointed or elected after the effective date of this 1987 section and those members making the election under section 16 or 17 of this 1987 act.

Sec. 14. Section 3, chapter 295, Laws of 1977 ex. sess. and RCW 41.40.620 are each amended to read as follows:

(1) A member of the retirement system other than a judge as defined in RCW 41.40.010 shall receive a retirement allowance equal to two percent of such member's average final compensation for each year of service.

(2) A judge as defined in RCW 41.40.010 shall receive a retirement allowance equal to three percent of such judge's average final compensation for each year of service.

Sec. 15. Section 6, chapter 295, Laws of 1977 ex. sess. as last amended by section 6, chapter 268, Laws of 1986 and RCW 41.40.650 are each amended to read as follows:

(1) The required contribution rates to the retirement system for both members and employers shall be established by the director from time to time as may be necessary upon the advice of the state actuary. The state actuary shall use the aggregate actuarial cost method to calculate contribution rates.

(2) Contribution rates required to fund the costs of the retirement system shall always be equal for members and employers, except as herein provided. Effective January 1, 1987, however, no member or employer contributions are required for any calendar month in which the member is not granted service credit. Any adjustments in contribution rates required from time to time for future costs shall likewise be shared equally by the members and employers: PROVIDED, That the costs of amortizing the unfunded supplemental present value of the retirement system for persons who established membership before September 30, 1977, shall be borne in full by the employers.

(3) Notwithstanding any other provision of this section, the contribution rates for judges as defined in RCW 41.40.010 shall be one hundred fifty percent of the members' contribution rate under subsection (2) of this section. The contribution rates for employers of judges as defined in RCW 41.40.010 shall be equal to the contribution rates of judges as defined in RCW 41.40.010 plus a contribution rate to amortize the unfunded supplemental present value as described in subsection (2) of this section.

(4) Any increase in the contribution rate required as the result of a failure of an employer to make any contribution required by this section shall be borne in full by the employer not making the contribution.

(5) The director shall notify all employers of any pending adjustment in the required contribution rate and such increase shall be announced at least thirty days prior to the effective date of the change.

(6) Members contributions required by this section shall be deducted from the members compensation earnable each payroll period. The members contribution and the employers contribution shall be remitted directly to the department within fifteen days following the end of the calendar month during which the payroll period ends.

**NEW SECTION.** Sec. 16. A new section is added to chapter 41.40 RCW to be codified between RCW 41.40.620 and 41.40.740 to read as follows:

A judge who is a member of the retirement system and who was initially employed on or after October 1, 1977, but before the effective date of this section may elect for periods after the effective date of the election to receive the increased retirement allowance under RCW 41.40.620(2) in return for the increased contributions required under RCW 41.40.650(3).

The election under this section shall be made in writing to the director no later than December 31, 1987.

**NEW SECTION.** Sec. 17. A new section is added to chapter 41.40 RCW to read as follows:

(1) RCW 41.40.185, 41.40.190, and 41.40.330 notwithstanding, a judge who is a member of the retirement system and who was initially employed on or before September 30, 1977, may elect for periods after the effective date of the election to receive a retirement allowance equal to three percent of the judge's average final compensation for each year or fraction of a year of membership service after the effective date of the election in return for the increased contributions required under RCW 41.40.650(3).

(2) The election under this section shall be made in writing to the director no later than December 31, 1987.

Sec. 18. Section 34, chapter 274, Laws of 1947 as last amended by section 3, chapter 268, Laws of 1986 and RCW 41.40.330 are each amended to read as follows:

(1) Each employee who is a member of the retirement system shall contribute five percent of his total compensation earnable: PROVIDED, HOWEVER, That a department of retirement systems expense fund contribution of two dollars and fifty cents per annum shall be transferred in semiannual payments of one dollar and twenty-five cents from each employee account balance in the employees' savings fund to the department of retirement systems expense fund.

as set forth in this section. On and after July 1, 1973, each employee who is a member of the retirement system shall contribute six percent of his total compensation earnable: PROVIDED, That the contribution of a member electing to be covered by section 17 of this 1987 act shall be as provided in that section. Effective January 1, 1987, however, no contributions are required for any calendar month in which the member is not granted service credit. The officer responsible for making up the payroll shall deduct from the compensation of each member, on each and every payroll of such member for each and every payroll period subsequent to the date on which he became a member of the retirement system the contribution as provided by this section.

(2) Any member may, pursuant to regulations formulated from time to time by the ((board)) director, provide for himself, by means of an increased rate of contribution to his account in the employees' savings fund, an increased prospective retirement allowance pursuant to RCW 41.40.190 and 41.40.185.

(3) The officer responsible for making up the payroll shall deduct from the compensation of each member covered by the provisions of RCW 41.40.190(5) and 41.40.185(4) on each and every payroll of such member for each and every payroll period subsequent to the date on which he thereafter becomes a member of the retirement system, an amount equal to seven and one-half percent of such member's compensation earnable."

Renumber the sections consecutively.

On page 8, line 24, after "Sec. 12." insert "(1)"

On page 8, after line 26, insert the following:

"(2) Section 16, chapter 267, Laws of 1971 ex. sess. and RCW 2.10.160 are each repealed."

Debate ensued.

#### POINT OF ORDER

Senator Rasmussen: "Mr. President, I would like to raise the issue of scope and object on the amendments. As Senator McDonald has indicated, the bill, as it came over from the House, related to the judges and the PERS system of two percent and these amendments would greatly enlarge the scope and object of the bill. I urge the President to consider that."

Further debate ensued.

#### MOTION

On motion of Senator Vognild, further consideration of Substitute House Bill No. 359 was deferred.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 458, by Committee on Energy and Utilities (originally sponsored by Representatives Todd, Barnes, Nelson, Schmidt and Jacobsen)

Extending the moratorium on mandatory local measured telecommunications service.

The bill was read the second time.

#### MOTION

On motion of Senator Williams, the rules were suspended, Substitute House Bill No. 458 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### MOTION

At 2:33 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 3:03 p.m. by President Cherberg.

There being no objection, the President returned the Senate to the fourth order of business.

#### MESSAGE FROM THE HOUSE

April 2, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5329 with the following amendments:

On page 1, line 19 after "committee on" strike "employment of the handicapped" and insert "disability issues and employment"

On page 1, line 23 after "requests" strike "from" and insert "for".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Warnke, the Senate concurred in the House amendments to Substitute Senate Bill No. 5329.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5329, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5329, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE SENATE BILL NO. 5329, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 27, 1987

Mr. President:

The House has passed SENATE BILL NO. 5427 with the following amendments:

On page 7, line 31 after "or" strike "90.48" and insert "90.44"

On page 25, after line 20 strike all of section 30

Re-number the sections consecutively and correct any internal references accordingly.

On page 27, after line 23 strike all of sections 34 and 35

Re-number the sections consecutively and correct any internal references accordingly.

On page 1, line 7 of the title after "43.21.190," strike "43.21.220," and after "43.27A.080," strike "43.49.010, 43.49.020,".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Kreidler, the Senate concurred in the House amendments to Senate Bill No. 5427.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5427, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5427, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Metcalf - 1.

SENATE BILL NO. 5427, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 2, 1987

Mr. President:

The House has passed SENATE BILL NO. 5536 with the following amendment:

On page 1, line 17 after "committee," insert "Public members of the committee shall be compensated in accordance with RCW 43.03.220 and shall receive reimbursement for their travel expenses as provided in RCW 43.03.050 and RCW 43.03.060.",

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Vognild, the Senate concurred in the House amendment to Senate Bill No. 5536.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5536, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5536, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SENATE BILL NO. 5536, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President advanced the Senate to the sixth order of business.

#### SECOND READING

HOUSE BILL NO. 64, by Representatives Lux, Chandler and P. King

Exempting certain surety bonds from requirements for cancellation or nonrenewal of insurance policies.

The bill was read the second time.

#### MOTION

On motion of Senator Moore, the rules were suspended, House Bill No. 64 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### MOTION

On motion of Senator Vognild, further consideration of House Bill No. 64 was deferred.

There being no objection, the President advanced the Senate to the seventh order of business.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 458, deferred on third reading and final passage earlier today.

Debate on Substitute House Bill No. 458 ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 458.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 458 and the bill passed the Senate by the following vote: Yeas, 44; nays, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senators Craswell, McCaslin, Pullen, Rasmussen, Tanner - 5.

SUBSTITUTE HOUSE BILL NO. 458, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President returned the Senate to the sixth order of business.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 25 and the pending amendment by Senator Williams on page 80 to the Committee on Governmental Operations striking amendment, deferred April 6, 1987.

#### RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Newhouse, the President finds that Engrossed Substitute House Bill No. 25 is a measure revising provisions for certain state agency information reporting requirements.

"The amendment proposed by Senator Williams, transfers the authority for planning, designing and implementing energy conservation in state facilities from the Department of General Administration to the State Energy Office.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senator Williams to the committee amendment was ruled out of order.

#### MOTIONS

On motion of Senator Owen, the following amendment by Senators Owen and Lee to the Committee on Governmental Operations amendment was adopted:

On page 1, of the committee amendment, after line 4, insert the following:

"NEW SECTION, Sec. 1. By January 1, 1988, the office of financial management shall submit a report to the committees on ways and means of the senate and house of representatives describing a system to control the initial acquisition and replacement of furniture by state agencies. The system shall include proposed criteria for justifying furniture purchases by state agencies, a uniform accounting and reporting system for such purchases; and a centralized inventory and acquisition system that would fill state agency furniture requests from existing inventory before new purchases are allowed. The report shall include recommended legislation, if appropriate."

The President declared the question before the Senate to be adoption of the Committee on Governmental Operations amendment, as amended.

The motion by Senator Halsan carried and the committee amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Halsan, the following title amendments were considered simultaneously and adopted:

On page 1, line 1 of the title, after "government;" strike the remainder of the title and insert "amending RCW 1.30.040, 9.46.090,

13.40.210, 18.130.310, 19.02.040, 19.27.070, 27.34.220, 28A.58.090, 28B.04.070, 28B.10.863, 28B.19.050, 28B.20.382, 28B.30.537, 28B.50.070, 28C.04.550, 34.04.040, 34.04.280, 36.78.070, 39.19.030, 39.58.085, 39.84.090, 39.86.070, 41.50.050, 43.19.19362, 43.19.538, 43.19.660, 43.21A.130, 43.21F.045, 43.31.135, 43.59.130, 43.63A.060, 43.63A.078, 43.63A.220, 43.88.090, 43.88.160, 43.88.510, 43.121.090, 43.150.060, 43.155.070, 43.155.080, 43.160.090, 43.210.040, 43.220.060, 44.28.100, 44.48.100, 46.23.030, 47.01.101, 47.01.141, 47.05.021, 47.26.160, 47.60.470, 48.02.170, 48.02.190, 49.60.100, 66.08.028, 67.70.050, 70.39.130, 70.48.060, 70.94.053, 70.94.820, 70.120.140, 70.123.060, 70.146.030, 71.24.155, 72.01.320, 72.09.160, 72.33.125, 74.13.031, 74.13.036, 75.08.020, 75.50.050, 75.52.040, 76.56.050, 77.04.110, 79.01.744, 80.01.090, 80.36.380, 82.01.120, 84.36.037, 90.03.247, 90.54.090, 43.21G.040, 43.52.378, and 43.200.142; adding a new section to chapter 40.06 RCW; and repealing RCW 43.52.379, 28C.04.470, 38.52.035, 43.01.140, 43.10.100, 43.30.200, 43.31.385, 43.56.030, 43.165.110, 43.168.080, 43.170.050, 43.190.100, 48.31.250, 50.63.100, 71.05.600, 72.60.280, 75.48.090, 84.34.057, 84.41.140, 90.54.070, and 51.32.097; and creating a new section."

On page 80 of the Governmental Operations Committee amendment, line 21, after "43.52.378," strike "43.52.618."

On page 80 of the Governmental Operations Committee amendment, line 27, after "51.32.097" insert "; and creating a new section"

On motion of Senator Halsan, the rules were suspended, Engrossed Substitute House Bill No. 25, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 25, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 25, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 25, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 196, by Committee on Transportation (originally sponsored by Representatives Armstrong, Patrick, Dellwo, Padden, Wang, Holm, P. King and Bumgarner)

Revising laws against driving without a license.

The bill was read the second time.

#### MOTION

Senator Talmadge moved that the following Committee on Judiciary amendment be adopted:

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 3, chapter 148, Laws of 1980 as amended by section 3, chapter 302, Laws of 1985 and RCW 46.20.342 are each amended to read as follows:

(1) Any person who drives a motor vehicle on any public highway of this state while that person is in a suspended or revoked status or when his or her privilege so to do is suspended or revoked in this or any other state or when his or her policy of insurance or bond, when required under this ((chapter)) title, has been canceled or terminated, is guilty of a gross misdemeanor. Upon the first conviction for a violation of this section, a person shall be punished by imprisonment for not less than ten days nor more than six months. Upon the second ((such)) conviction, ((he)) the person shall be punished by imprisonment for not less than ninety days nor more than one year. Upon the third or subsequent such conviction, ((he)) the person shall be punished by imprisonment for not less than one year. There may also be imposed in connection with each such conviction a fine of not more than five hundred dollars.

(2) Except as otherwise provided in this subsection, upon receiving a record of conviction of any person or upon receiving an order by any juvenile court or any duly authorized court officer of the conviction of any juvenile under this section upon a charge of driving a vehicle while the license of ((such)) the person is under suspension, the department shall extend the period of ((such)) the suspension for an additional like period and if the conviction was upon a charge of driving while a license was revoked the department shall not issue a new license for an additional period of one year from and after the date ((such)) the person would otherwise have been entitled to apply for a new license. The department shall not so extend the period of suspension or revocation if the court recommends against the extension and:

(a) The convicted person has obtained a valid driver's license; or

(b) The department determines that the convicted person has demonstrated proof of future financial responsibility as provided for in chapter 46.29 RCW, and, if the suspension or revocation was the result of a violation of RCW 46.61.502 or 46.61.504, that the person is making satisfactory progress in any required alcoholism treatment program.

NEW SECTION. Sec. 2. A new section is added to chapter 46.16 RCW to read as follows:

(1) At the time of arrest for a violation of RCW 46.20.021, 46.20.342(1), 46.20.420, or 46.65.090, the arresting officer shall confiscate the Washington state vehicle registration of the vehicle being driven by the arrested person. The officer shall mark the vehicle's Washington state license plates in accordance with procedures prescribed by the Washington state patrol. Marked license plates shall be clearly distinguishable from any other authorized plates. Upon confiscation of the vehicle registration, the arresting officer shall, on behalf of the department, serve notice in accordance with section 4 of this act of the department's intention to cancel the

vehicle registration in accordance with section 3 of this act. The officer shall immediately replace any confiscated vehicle registration with a temporary registration that expires sixty days after the arrest, or at the time the department's cancellation is sustained at a hearing conducted under section 5 of this act, whichever occurs first. The provisions of this subsection may be used only when the arresting officer has determined that the arrested driver is a registered owner of the vehicle.

(2) After confiscation under subsection (1) of this section, the arresting officer shall promptly transmit to the department, together with the confiscated vehicle registration, a sworn report indicating that the officer had reasonable grounds to believe that the arrested driver was driving in violation of RCW 46.20.342(1).

(3) Any officer who sees a vehicle being operated with marked license plates may stop the vehicle for the sole purpose of ascertaining whether the driver of the vehicle is operating it in violation of RCW 46.20.021, 46.20.342, 46.20.420, or 46.65.090. Nothing in this section prohibits the arrest of a person for an offense if an officer has probable cause to believe the person has committed the offense.

**NEW SECTION, Sec. 3.** A new section is added to chapter 46.16 RCW to read as follows:

(1) Upon receipt of the sworn report of an arresting officer transmitted pursuant to section 2(2) of this act, the department shall review its records, and if it ascertains that the arrested driver's privilege to drive was suspended or revoked, or in a suspended or revoked status, at the time of his arrest and the arrested driver is the registered owner of the vehicle he was driving at the time of his arrest, or that in violation of RCW 46.12.101 no transfer of title for the vehicle has been made, then the department shall cancel the registration and license plates of the vehicle. The cancellation remains in effect until the arrested driver has been issued a valid driver's license or until another qualified person registers the vehicle. After the cancellation period, upon application and payment of fees and taxes due including fees prescribed in RCW 46.16.270, the department may issue a new vehicle registration and replacement license plates to the arrested driver.

(2) For purposes of this section, cancellation means that the existing registration and license plates shall be canceled and no new registration and license plates may be issued for the vehicle for the prescribed period, if the arrested driver is the owner of the vehicle. Cancellation takes effect beginning sixty days after arrest, or at the time the cancellation is sustained by a hearing held under section 5 of this act, whichever occurs first. If the department does not cancel registration and license plates under subsection (1) of this section, the department shall notify the registered owner that if he is qualified under RCW 46.12.020 he may, upon application and payment of any fees and taxes due other than fees prescribed in RCW 46.16.270, be issued a new vehicle registration and replacement license plates.

(3) No cancellation under this section affects the right of any person to transfer or acquire title in the vehicle, or the right of any person other than the arrested driver to become the registered owner of the vehicle.

**NEW SECTION, Sec. 4.** A new section is added to chapter 46.16 RCW to read as follows:

No cancellation under section 3 of this act is effective until the department or a law enforcement officer acting on its behalf notifies the arrested driver in writing by personal service, by certified mail, or by first class mail addressed to that driver's last known vehicle registration address of record with the department, of the department's intention to cancel registration and the license plates together with the grounds therefor and allows the driver a fifteen-day period to request in writing that the department provide a hearing as provided in section 5 of this act. The notice shall specify the steps the driver must take to obtain a hearing. If no written request for a hearing is received by the department within fifteen days from the date of notification, the order of the department becomes effective as provided in section 3 of this act. If a request for a hearing is filed in time, the department shall give the driver an opportunity for a hearing as provided in section 5 of this act, and the cancellation will not be effective until a final determination has been made by the department.

**NEW SECTION, Sec. 5.** A new section is added to chapter 46.16 RCW to read as follows:

(1) Administrative hearings held to determine the propriety of any registration cancellation imposed under section 3 of this act shall be in accordance with rules adopted by the director.

(2) The department shall fix a time, no more than sixty days after arrest, and place for a hearing to be held in the county in which the arrest was made. The hearing may be set for some other county by agreement between the department and the driver.

(3) The department shall give the driver at least twenty days advance notice of the time and place of hearing, but the period of notice may be waived by the driver. Every party has the right of cross-examination of any witness who testifies and has the right to submit rebuttal evidence.

**NEW SECTION, Sec. 6.** A new section is added to chapter 46.16 RCW to read as follows:

If the cancellation under section 3 of this act is sustained at the hearing held under section 5 of this act, the driver whose vehicle registration is canceled has the right to file a petition in the superior court of the county of arrest for review of the final order of cancellation by the department. The petition shall be filed within ten days following receipt by the person of the

department's final order, or the right to appeal is deemed to have been waived. The review shall be conducted by the court without a jury, and shall be de novo.

(2) The filing of the appeal does not stay the effective date of the cancellation.

(3) The court may affirm the department's decision or reverse the department's order of cancellation.

(4) The actual costs of preparing and transmitting the record to superior court shall be borne by the petitioner and awarded by the court to the department if the department's decision is affirmed. The costs shall be borne by the department if the department's decision is reversed.

**NEW SECTION, Sec. 7.** A new section is added to chapter 46.16 RCW to read as follows:

(1) The director or the director's designee shall administer and enforce sections 3 through 6 of this act.

(2) The director may adopt such rules and prescribe and provide such forms as may be necessary to carry out sections 3 through 6 of this act.

Sec. 8. Section 46.20.340, chapter 12, Laws of 1961 as amended by section 42, chapter 121, Laws of 1965 ex. sess. and RCW 46.12.240 are each amended to read as follows:

(1) The suspension, revocation, cancellation, or refusal by the director of any license or certificate provided for in chapters 46.12 and 46.16 RCW (~~shall be~~) is conclusive unless the person whose license or certificate is suspended, revoked, canceled, or refused appeals to the superior court of Thurston county, or at his option to the superior court of the county of his residence, for the purpose of having the suspension, revocation, cancellation, or refusal of (~~such~~) the license or certificate set aside. Notice of appeal must be filed within ten days after receipt of the notice of suspension, revocation, cancellation, or refusal. Upon the filing of the notice of appeal the court shall issue an order to the director to show cause why the license should not be granted or reinstated, which order shall be returnable not less than ten days after the date of service thereof upon the director. Service shall be in the manner prescribed for service of summons and complaint in other civil actions. Upon the hearing on the order to show cause, the court shall hear evidence concerning matters with reference to the suspension, revocation, cancellation, or refusal of the license or certificate and shall enter judgment either affirming or setting aside (~~such~~) the suspension, revocation, cancellation, or refusal.

(2) This section does not apply to vehicle registration cancellations under sections 2 through 7 of this act.

Sec. 9. Section 46.12.020, chapter 12, Laws of 1961 as last amended by section 1, chapter 424, Laws of 1985 and RCW 46.12.020 are each amended to read as follows:

(1) No vehicle license number plates or certificate of license registration, whether original issues or duplicates, may be issued or furnished by the department unless the applicant, at the same time, makes satisfactory application for a certificate of ownership or presents satisfactory evidence that such a certificate of ownership covering the vehicle has been previously issued.

(2) Except as otherwise provided in this section, no (~~renewal or duplicate~~) vehicle license number plates or certificate of license registration, whether original issues or duplicates, and no renewed vehicle license may be issued by the department unless the applicant possesses a valid driver's license. In the case of joint application by more than one person, each applicant shall possess a valid driver's license.

(3) Subsection (2) of this section applies only to applicants who are individual persons and does not apply to corporations.

(4) Subsection (2) of this section does not apply to any applicant with respect to whom the department determines that:

(a) The applicant's driver's license is not currently suspended or revoked and the applicant is not in suspended or revoked status;

(b) The applicant has not been convicted of a violation of RCW 46.20.021, 46.20.342, (~~46.20.416;~~) 46.20.420, or 46.65.090; and

(c) Circumstances not related to any violation of Title 46 RCW account for the applicant's current lack of a driver's license and the applicant's need to register a vehicle. The applicant shall by affidavit indicate:

(i) The reason for the applicant's lack of a driver's license;

(ii) The need the applicant has for registering a vehicle; and

(iii) That the applicant will not knowingly (~~allow~~) permit a person without a driver's license to drive any vehicle registered in the applicant's name.

(5) (~~It is unlawful for any person in whose name a vehicle is registered knowingly to allow another person to drive the vehicle knowing that the other person is not authorized to do so under the laws of this state.~~

(6) ~~A violation of subsection (5) of this section, or) A knowingly made material misstatement on an affidavit under subsection (4)(c) of this section is a misdemeanor.~~

(~~(7)~~) (6) No denial under this section of issuance or of renewal of plates or certificates affects the right of any person to maintain, transfer, or acquire title in any vehicle. Unless the parties to the contract agree otherwise, no such denial affects the rights or obligations of any party to a contract for the purchase, or for the financing of the purchase, of a motor vehicle.

**NEW SECTION, Sec. 10.** A new section is added to chapter 46.16 RCW to read as follows:

It is unlawful for any person in whose name a vehicle is registered knowingly to permit another person to drive the vehicle when the other person is not authorized to do so under the laws of this state. A violation of this section is a misdemeanor.

Sec. 11. Section 3, chapter 186, Laws of 1986 and RCW 46.63.020 are each amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

(1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;

(2) RCW 46.09.130 relating to operation of nonhighway vehicles;

(3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;

(4) RCW 46.10.130 relating to the operation of snowmobiles;

(5) Chapter 46.12 RCW relating to certificates of ownership and registration;

(6) RCW 46.16.010 relating to initial registration of motor vehicles;

(7) RCW 46.16.160 relating to vehicle trip permits;

(8) Section 10 of this act relating to permitting unauthorized persons to drive;

RCW 46.16.381(8) relating to unauthorized acquisition of a special decal, license plate, or card for disabled persons' parking;

(10) RCW 46.20.021 relating to driving without a valid driver's license;

~~((9))~~ (11) RCW 46.20.336 relating to the unlawful possession and use of a driver's license;

~~((10))~~ (12) RCW 46.20.342 relating to driving with a suspended or revoked license;

~~((11))~~ (13) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license;

~~((12))~~ (14) RCW 46.20.416 relating to driving while in a suspended or revoked status;

~~((13))~~ (15) RCW 46.20.420 relating to the operation of a motor vehicle with a suspended or revoked license;

~~((14))~~ (16) Chapter 46.29 RCW relating to financial responsibility;

~~((15))~~ (17) RCW 46.44.180 relating to operation of mobile home pilot vehicles;

~~((16))~~ (18) RCW 46.48.175 relating to the transportation of dangerous articles;

~~((17))~~ (19) RCW 46.52.010 relating to duty on striking an unattended car or other property;

~~((18))~~ (20) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;

~~((19))~~ (21) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;

~~((20))~~ (22) RCW 46.52.100 relating to driving under the influence of liquor or drugs;

~~((21))~~ (23) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company and an employer;

~~((22))~~ (24) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;

~~((23))~~ (25) RCW 46.61.015 relating to obedience to police officers, flagmen, or fire fighters;

~~((24))~~ (26) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;

~~((25))~~ (27) RCW 46.61.022 relating to failure to stop and give identification to an officer;

~~((26))~~ (28) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;

~~((27))~~ (29) RCW 46.61.500 relating to reckless driving;

~~((28))~~ (30) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;

~~((29))~~ (31) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

~~((30))~~ (32) RCW 46.61.522 relating to vehicular assault;

~~((31))~~ (33) RCW 46.61.525 relating to negligent driving;

~~((32))~~ (34) RCW 46.61.530 relating to racing of vehicles on highways;

~~((33))~~ (35) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;

~~((34))~~ (36) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;

~~((35))~~ (37) RCW 46.64.020 relating to nonappearance after a written promise;

~~((36))~~ (38) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;

~~((37))~~ (39) Chapter 46.65 RCW relating to habitual traffic offenders;

~~((38))~~ (40) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;

~~((39))~~ (41) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;

~~((40))~~ (42) Chapter 46.80 RCW relating to motor vehicle wreckers;

~~((41))~~ (43) Chapter 46.82 RCW relating to driver's training schools.

NEW SECTION, Sec. 12. Section 3, chapter 29, Laws of 1975-'76 2nd ex. sess., section 4, chapter 302, Laws of 1985 and RCW 46.20.416 are each repealed.

NEW SECTION, Sec. 13. Sections 1 through 8 of this act shall take effect on July 1, 1988. The director of licensing shall take such steps as are necessary to insure that this act is implemented on its effective date. Sections 2 through 7 of this act shall expire on July 1, 1993.

NEW SECTION, Sec. 14. Section 9 of this act shall take effect January 1, 1990.

NEW SECTION, Sec. 15. The department of licensing shall report to the legislature no later than January 1, 1991, on the implementation of this 1987 act. The department shall indicate the revenue and expenditure effects of the act and shall estimate its effect on the incidence of unlicensed driving in the state.

NEW SECTION, Sec. 16. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, presuming that I got arrested for drunken driving and they would mark my license so that they would know that the car shouldn't be moving around and my wife was driving it, how many times in a day would she get stopped to check to see whether she was drunk?"

Senator Talmadge: "Senator, first of all, if someone other than the person who was stopped wished to reregister the vehicle, they would be able to do so. They would be able to go down and reregister at a cost of, I believe, \$4.00 for reregistration. If the driver of the vehicle who was stopped for drinking and driving knowingly permits someone else to operate the vehicle, or someone who is aware that someone was stopped for drinking and driving knowingly permits that person who was stopped to operate another vehicle, then they are guilty of a crime under the bill."

Senator Rasmussen: "Even though they legally had the right to drive the car if they were part owner of it?"

Senator Talmadge: "That's right. They would be able to reregister the automobile, Senator."

Senator Rasmussen: "That's not entirely possible. If you are buying a car on time, they don't do that."

Senator Talmadge: "It's possible to reregister the vehicle under this bill."

Senator Rasmussen: "I have reservations."

The President declared the question before the Senate to adoption of the Committee on Judiciary amendment.

The motion by Senator Talmadge carried and the committee amendment was adopted.

#### MOTIONS

On motion of Senator Talmadge, the following title amendment was adopted:

On line 1 of the title, after "license," strike the remainder of the title and insert "amending RCW 46.20.342, 46.12.240, 46.12.020, and 46.63.020; adding new sections to chapter 46.16 RCW; creating a new section; repealing RCW 46.20.416; prescribing penalties; providing effective dates; and providing an expiration date."

On motion of Senator Talmadge, the rules were suspended, Engrossed Second Substitute House Bill No. 196, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute House Bill No. 196, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute House Bill No. 196, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hayner, Johnson,

Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senators Benitz, Hansen, Rinehart - 3.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 196, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 827, by Representatives Holland, H. Sommers, Jacobsen, L. Smith, Betzoff, Valle, May, Wineberry, Moyer, Silver and Schoon

Requiring school districts to solicit competitive bids or proposals when contracting for pupil transportation services.

The bill was read the second time.

#### MOTION

Senator Warnke moved that the following amendment be adopted:

On page 2, after line 30, insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 28A.58 RCW to read as follows:

Nothing contained in this chapter prohibits any school district or board of directors from purchasing transportation services by contract with individuals or business entities if such services were regularly purchased by valid contract by such districts prior to the effective date of this act: PROVIDED, That no such contract may be executed or renewed if it would have the effect of terminating classified employees or classified employee positions, and associated benefits, existing at the time of the execution or renewal of the contract: PROVIDED FURTHER, That prior to execution or renewal of such contract the school district shall adopt a written plan for (1) either terminating or redirecting administrative staff resources that were previously directed to the service which is the subject of the contract, and (2) selling, leasing, or implementing a specific new utilization of physical plant, equipment, or other nonpersonnel resources that were previously dedicated to the service which is the subject of such contract."

#### POINT OF ORDER

Senator Newhouse: "Mr. President, I challenge the scope and object of the amendment. It broadens the title and effect of the bill. If we look carefully at the amendment up to the proviso, it stays within the scope of the original bill. After the proviso, it applies not only to transportation employees, but all classified employees and it says, in effect, that a school district could not terminate any employees. All of them would have to be employed."

Further debate ensued.

#### MOTION

On motion of Senator Vognild, further consideration of House Bill No. 827 was deferred.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 134, by Committee on Health Care (originally sponsored by Representatives Day, Lewis, Brooks, Bumgarner, Lux, P. King and Dellwo)

Certifying radiological technologists.

The bill was read the second time.

#### MOTIONS

On motion of Senator Wojahn, the following Committee on Human Services and Corrections amendment was adopted:

On page 2, line 18, after "RCW" strike all material down to and including "nursing" on line 19

On motion of Senator Wojahn, the following Committee on Human Services and Corrections amendment was adopted:

On page 2, line 22, after "chapter" insert a comma and after "practitioner" insert a comma

On motion of Senator Wojahn, the following Committee on Human Services and Corrections amendment was adopted:

On page 3, line 28, after "under" strike "chapter" and insert "chapters 18.22, 18.25 and"

On motion of Senator Wojahn, the following Committee on Human Services and Corrections amendment was adopted:

On page 4, line 15, after "certifications" insert ", uncertified practice"

On motion of Senator Wojahn, the following Committee on Human Services and Corrections amendment was adopted:

On page 5, line 10, after "chair," strike "Three" and insert "Four"

On motion of Senator Wojahn, the following Committee on Human Services and Corrections amendment was adopted:

On page 11, line 17, after "sum of" strike "one hundred thirty-one thousand, one hundred six dollars" and insert "two hundred eighty-three thousand, four hundred thirty-eight dollars"

On motion of Senator Wojahn, the following amendment was adopted:

On page 10, after line 30, strike all material down through "act." on line 33 and insert: "The regulation of radiologic technologists under chapter 18. -- RCW (sections 1 through 13 of this act) shall be terminated on June 30, 1990, as provided in section 19 of this act."

#### MOTION

On motion of Senator Wojahn, the rules were suspended, Engrossed Substitute House Bill No. 134, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Saling: "Senator Wojahn, all the amendments that were adopted were committee amendments with the exception of the last one that put on a sunset clause. Could you explain to me why it is that you want a sunset clause on this particular bill now?"

Senator Wojahn: "I didn't want a sunset clause. A member of the committee offered the amendment and the committee adopted it."

Senator Saling: "I thought this was a floor amendment, rather than a committee amendment?"

Senator Wojahn: "No, oh, it is a floor amendment."

Senator Saling: "Didn't you offer this amendment, Senator?"

Senator Wojahn: "Yes, I did. I can't tell you the reason I offered it. I can't explain it. I'm sorry, because I don't think that there needs to be a sunset so soon. I think it could be sunsetted in 1995. I think it was discussed in committee, however, and I think one of the committee members wanted it. I can't tell you. I can't answer it. I'm sorry."

Senator Saling: "Well, Senator Wojahn, if there is no reason for it, I wonder why we should have it on there?"

Senator Wojahn: "If you'll excuse me, I'll find out why it's on there. I know the answer now. Thank you. This is simply a clarification amendment. The House Bill came over with a sunset on it. The sunset was fouled up and we simply clarified it by the floor amendment. The staff found it after the bill had gone out and there's a technicality in here that doesn't make sense. If you read the last of the bill, you'll find out that the sunset as written, doesn't make any sense and consequently, we added that to clarify."

Senator Saling: "Well, the part in the bill itself did not sunset the bill. The part in the bill only sunsetted the committee. Isn't that correct?"

Senator Wojahn: "Yes."

Senator Saling: "And the amendment that you put on now sunsets the entire bill. Am I correct?"

Senator Wojahn: "Well, it says, 'The advisory committee and its powers and duties shall be terminated on June 30, 1990, as provided in Section 20 of this Act.'"

Senator Saling: "Yes, and you removed that language and put in a sunset clause that would sunset the entire bill."

Senator Wojahn: "No, I think we sunsetted the advisory committee. We should have."

## MOTION

On motion of Senator Vognild, further consideration of Engrossed Substitute House Bill No. 134, as amended by the Senate, was deferred.

## SECOND READING

HOUSE BILL NO. 187, by Representatives McMullen, R. King, Patrick and Dellwo (by request of Board of Industrial Insurance Appeals)

Changing provisions relating to introduction of evidence in appeals of orders of the department of labor and industries which allege fraud.

The bill was read the second time.

## MOTION

On motion of Senator Warnke, the rules were suspended, House Bill No. 187 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 187.

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 187 and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Rinehart - 1.

HOUSE BILL NO. 187, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 209, by Representatives Appelwick, Taylor, Sayan and Holland (by request of Department of Revenue)

Expanding enforcement provisions on cigarette taxes.

The bill was read the second time.

## MOTION

Senator Owen moved that the following amendment by Senators Owen, Garrett, Deccio, Hayner, Vognild and Smitherman be adopted:

On page 7, after line 1, insert the following:

"Sec. 5, Section 3, chapter 2, Laws of 1983 as last amended by section 2, chapter 321, Laws of 1986 and RCW 19.91.010 are each amended to read as follows:

When used in this chapter, the following words and phrases shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) "Person" means and includes any individual, firm, association, company, partnership, corporation, joint stock company, club, agency, syndicate, municipal corporation, or other political subdivision of this state, trust, receiver, trustee, fiduciary and conservator.

(2) "Wholesaler" includes any person who:

(a) Purchases cigarettes directly from the manufacturer, or  
 (b) Purchases cigarettes from any other person who purchases from or through the manufacturer, for the purpose of bona fide resale to retail dealers or to other persons for the purpose of resale only, or

(c) Services retail outlets by the maintenance of an established place of business for the purchase of cigarettes, including, but not limited to, the maintenance of warehousing facilities for the storage and distribution of cigarettes.

Nothing contained herein shall prevent a person from qualifying in different capacities as both a "wholesaler" and "retailer" under the applicable provisions of this chapter.

(3) "Retailer" means and includes any person who operates a store, stand, booth, concession, or vending machine for the purpose of making sales of cigarettes at retail.

(4) "Cigarettes" means any roll for smoking made wholly or in part of tobacco, irrespective of size or shape and whether or not such tobacco is flavored, adulterated, or mixed with any

other ingredient, the wrapper or cover of which is made of paper or any other substance or material except tobacco.

(5) "Sale" means any transfer for a consideration, exchange, barter, gift, offer for sale and distribution, in any manner, or by any means whatsoever.

(6) "Sell at wholesale", "sale at wholesale" and "wholesale" sales mean and include any bona fide transfer of title to cigarettes for a valuable consideration, made in the ordinary course of trade or in the usual conduct of the wholesaler's business, to a retailer for the purpose of resale.

(7) "Sell at retail", "sale at retail" and "retail sales" mean and include any transfer of title to cigarettes for a valuable consideration, made in the ordinary course of trade or usual conduct of the seller's business, to the purchaser for consumption or use.

(8) ("Basic cost of cigarettes" means the invoice cost of cigarettes to the retailer or wholesaler, as the case may be, or the replacement cost of cigarettes to the retailer or wholesaler, as the case may be, in the quantity last purchased, whichever is lower, to which shall be added the full face value of any stamps which may be required by any cigarette tax act of this state and by ordinance of any municipality thereof, now in effect or hereafter enacted, if not already included by the manufacturer in his list price. The disposition of the manufacturers' cash discount is at the discretion of the wholesaler. Any retailer or wholesaler who actually receives and sells cigarettes with trade or cash discounts shall execute a sworn affidavit and obtain a sworn affidavit from the person granting the discount, whether a manufacturer or wholesaler, which shows: (a) Amount or rate of the discount, (b) date the discount was granted, (c) names of the persons granting and receiving the discount, and (d) whether the discount is for cash or trade purposes. Sworn affidavits under this section are maintained for five years and available for inspection by the department of revenue's request. The department of revenue may impose a civil penalty not to exceed two hundred fifty dollars for each failure to maintain affidavits under this section:

Nothing in this section may be construed to require any retailer to obtain affidavits from retail purchasers of cigarettes:)) "Acquisition cost" is the cost that necessarily must be paid in order to acquire cigarettes, including: The price of the goods that is paid to the supplier, freight costs, and all applicable taxes. It does not include overhead costs that are incidental for the licensee to take possession of cigarettes. All discounts for cash and trade discounts shall be removed from the manufacturers' invoice price.

(9) ((a)) The term "cost to the wholesaler" means the ("basic cost of cigarettes") "acquisition cost of cigarettes" to the wholesaler plus ((the "cost of doing business by the wholesaler" which said cost of doing business amount shall be expressed percentage-wise in the ratio that said wholesalers' "cost of doing business" bears to said wholesalers dollar volume for all products sold by the wholesaler per annum, and said "cost of doing business by the wholesaler" shall be evidenced and determined by the standards and methods of accounting regularly employed by him for the purpose of federal income tax reporting for the total operation of his establishment in his allocation of overhead costs and expenses, paid or incurred, and must include, without limitation, labor costs (including reasonable salaries for partners, executives, and officers), rent, depreciation, selling cost, maintenance of equipment, delivery costs, all types of licenses, taxes, insurance and advertising, expressed as a percentage and applied to the "basic cost of cigarettes") a seven percent markup. Any fractional part of a cent amounting to one-tenth of one cent or more in cost to the wholesaler per carton of ten packages of cigarettes shall be rounded off to the next higher cent.

((b) For the purposes of this chapter the "cost of doing business" may not be computed using a percentage less than the overall percentage shown in subsection (9)(a) of this section or in the absence of the filing with the department of revenue of satisfactory proof of a lesser or higher cost of doing business by the wholesaler making the sale, the "cost of doing business by the wholesaler" shall be presumed to be the percentage of the "basic cost of cigarettes" to the wholesaler specified in (c) of this subsection, plus cartage to the retail outlet, if performed or paid for by the wholesaler, which cartage cost, in the absence of the filing with the department of revenue of satisfactory proof of a lesser or higher cost, shall be deemed to be one-half of one percent of the "basic cost of cigarettes" to the wholesaler.

(c) For the purposes of (b) of this subsection, the percentage of the basic cost of cigarettes to the wholesaler shall be:

(i) Four percent until July 1, 1987;

(ii) Three and one-half percent from July 1, 1987, until July 1, 1988;

(iii) Three percent from July 1, 1988, until July 1, 1989;

(iv) Two and one-half percent from July 1, 1989, until July 1, 1990; and

(v) Two percent from July 1, 1990, until July 1, 1991.))

(10) ((a)) The term "cost to the retailer" means the ("basic cost of cigarettes") "acquisition cost" to the retailer plus ((the "cost of doing business by the retailer" which said cost of doing business amount shall be expressed percentage-wise in the ratio that said retailers' "cost of doing business" bears to said retailers dollar volume per annum, and said "cost of doing business by the retailer" shall be evidenced and determined by the standards and methods of accounting regularly employed by him for the purpose of federal income tax reporting for the

total operation of his establishment in his allocation of overhead costs and expenses, paid or incurred, and must include, without limitation, labor (including reasonable salaries for partners, executives, and officers), rent, depreciation, selling costs, maintenance of equipment, delivery costs, all types of licenses, taxes, insurance and advertising, expressed as a percentage and applied to the "basic cost of cigarettes"; PROVIDED, That any retailer who, in connection with the retailer's purchase, receives not only the discounts ordinarily allowed upon purchases by a retailer but also, in whole or in part, discounts ordinarily allowed upon purchases by a wholesaler shall, in determining "cost to the retailer", pursuant to this subdivision, add the "cost of doing business by the wholesaler," as defined in subdivision (9) of this section, to the "basic cost of cigarettes" to said retailer, as well as the "cost of doing business by the retailer" a twelve and one-half percent markup. Any fractional part of a cent amounting to one-tenth of one cent or more in cost to the retailer per carton of ten packages of cigarettes shall be rounded off to the next higher cent.

((b) in the absence of the filing with the department of revenue of satisfactory proof of a lesser or higher cost of doing business by the retailer making the sale, the "cost of doing business by the retailer" shall be presumed to be the percentage of the "basic cost of cigarettes" to the retailer specified in (d) of this subsection:

(c) in the absence of the filing with the department of revenue of satisfactory proof of a lesser or higher cost of doing business, the "cost of doing business by the retailer", who, in connection with the retailer's purchase, receives not only the discounts ordinarily allowed upon purchases by a retailer but also, in whole or in part, the discounts ordinarily allowed upon purchases by a wholesaler, shall be presumed to be the percentage of the sum of the "basic cost of cigarettes" and the "cost of doing business by the wholesaler" specified in (d) of this subsection:

(d) For the purposes of (b) and (c) of this subsection, the percentage shall be:

(i) Eleven and one-half percent until July 1, 1987;

(ii) Ten and one-half percent from July 1, 1987, until July 1, 1988;

(iii) Nine and one-half percent from July 1, 1988, until July 1, 1989;

(iv) Eight and one-half percent from July 1, 1989, until July 1, 1990;

(v) Seven and one-half percent from July 1, 1990, until July 1, 1991.))

(11) "Business day" means any day other than a Sunday or a legal holiday.

(12) "Master license system" means the mechanism established by chapter 19.02 RCW by which master licenses, endorsed for individual state-issued licenses, are issued and renewed utilizing a master application and a master license expiration date common to each renewable license endorsement.

Sec. 6, Section 3, chapter 286, Laws of 1957 and RCW 19.91.030 are each amended to read as follows:

When one wholesaler sells cigarettes to any other wholesaler, the former shall not be required to include in his selling price to the latter, "cost to the wholesaler", as provided by RCW 19.91.010(10), except that no such sale shall be made at a price less than the ("basic cost of cigarettes") "acquisition cost" as defined in RCW 19.91.010(9), but the latter wholesaler, upon resale to a retailer, shall be deemed to be the wholesaler governed by the provisions of RCW 19.91.010(10).

**NEW SECTION.** Sec. 7. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 321, Laws of 1986 (uncodified);

(2) Section 4, chapter 321, Laws of 1986 and RCW 82.24.500;

(3) Section 5, chapter 321, Laws of 1986 and RCW 82.24.510;

(4) Section 6, chapter 321, Laws of 1986 and RCW 82.24.520;

(5) Section 7, chapter 321, Laws of 1986 and RCW 82.24.530;

(6) Section 8, chapter 321, Laws of 1986 and RCW 82.24.540;

(7) Section 9, chapter 321, Laws of 1986 and RCW 82.24.550;

(8) Section 10, chapter 321, Laws of 1986 and RCW 82.24.560;

(9) Section 11, chapter 321, Laws of 1986 (uncodified);

(10) Section 13, chapter 321, Laws of 1986 and RCW 19.91.300; and

(11) Section 14, chapter 321, Laws of 1986 (uncodified)."

Renumber the sections consecutively.

#### POINT OF ORDER

Senator Wojahn: "Mr. President, I would challenge this amendment on scope and object, because the bill deals with investigation and enforcement of cigarette tax violations with criminal penalties for that. This amendment deals with pricing and the issue of businesses in pricing issues. I would, therefore, believe that it does expand the scope and object."

#### MOTION

Senator Warnke moved that the following amendment be adopted:

On page 7, after line 1, insert the following:

"Sec. 5. Section 82.24.070, chapter 15, Laws of 1961 as last amended by section 2, chapter \_\_\_\_ (SB 5139), Laws of 1987 and RCW 82.24.070 are each amended to read as follows:

Wholesalers and retailers subject to the provisions of this chapter shall be allowed compensation for their services in affixing the stamps herein required a sum ~~((equal to two percent of the first four mills of the value of the stamps purchased or affixed by them, one percent of the next one mill of the value of the stamps purchased or affixed by them, and one-half of one percent of the next one-half mill of the value of the))~~ computed at the rate of four dollars per one thousand stamps purchased or affixed by them."

Renumber the sections consecutively.

#### POINT OF ORDER

Senator Wojahn: "Mr. President, I would object to this on scope and object also, for the same reason that I objected to before."

#### MOTION

On motion of Senator Vognild, further consideration of House Bill No. 209 was deferred.

There being no objection, the President advanced the Senate to the seventh order of business.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 134, as amended by the Senate, deferred on third reading and final passage earlier today.

Debate on Engrossed Substitute House Bill No. 134, as amended by the Senate, ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 134, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 134, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsari, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senator Kiskaddon - 1.

Absent: Senator Rinehart - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 134, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Bender, Senator Rinehart was excused.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 508, by Committee on Judiciary (originally sponsored by Representatives Holland, Zellinsky, Winsley, Nutley, Beck, Lux, Chandler, Prince, Betzoff, Crane, Silver and Jesernig)

Establishing crimes involving access devices.

The bill was read the second time.

#### MOTION

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 508 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 508.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 508 and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senators Craswell, McCaslin, Pullen - 3.

Absent: Senator Nelson - 1.

Excused: Senator Rinehart - 1.

SUBSTITUTE HOUSE BILL NO. 508, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 563, by Committee on Health Care (originally sponsored by Representative Braddock)

Revising provisions relating to the uniform disciplinary act.

The bill was read the second time.

## MOTION

Senator Rasmussen moved that the following amendments by Senators Rasmussen, Bender and Kiskaddon be considered simultaneously and adopted:

On page 2, line 16, after "18.29 RCW;" strike "and" and insert "(and)"

On page 2, line 17, after "18.106 RCW" insert "; and (viii) Denturists certified under chapter 18.-- RCW (sections 80 through 96 of this 1987 act)"

On page 38, after line 31, insert the following:

**NEW SECTION.** Sec. 80. The legislature finds that it is necessary to regulate the practice of dentistry in order to protect the public health, safety, and welfare. It is the legislature's intent that only individuals who meet and maintain minimum standards of competency and conduct may provide service to the public.

**NEW SECTION.** Sec. 81. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Committee" means the state dentist advisory committee.

(2) "Denture" means any removable full or partial upper or lower prosthetic dental appliance to be worn in the mouth.

(3) "Denturist" means a person certified under this chapter to engage in the practice of dentistry.

(4) "Department" means the department of licensing.

(5) "Director" means the director of licensing or the director's designee.

(6) "Practice of dentistry" means the taking of impressions, making, fitting, constructing, altering, reproducing, or repairing of a denture and furnishing or supplying of a denture directly to a person or advising the use of a denture, and maintaining a facility for the same: PROVIDED, That dentists or other professions may perform these services as authorized by law.

(7) "Intern" means a person who has successfully completed an accredited denturist college curriculum and has passed the written portion of the state examination.

**NEW SECTION.** Sec. 82. (1) A denturist is responsible for the quality of dentistry care.

(2) A denturist certified under this chapter shall not:

(a) Extract or attempt to extract natural teeth;

(b) Initially insert immediate dentures after extraction in the mouth of the intended wearer;

(c) Diagnose or surgically treat any abnormality;

(d) Recommend any prescription drugs for any oral or medical diseases;

(e) Construct or fit orthodontic appliances; or

(f) Surgically modify or attempt to surgically modify any natural tissue or teeth.

The practice of dentistry under this chapter requires that all laboratory work except cast partial framework be performed at the address shown on the denturist's certificate. Violation of this section is a misdemeanor.

**NEW SECTION.** Sec. 83. (1) A person shall hold a certificate for the practice of dentistry under this chapter in order to:

(a) Engage or offer to engage in the practice of dentistry; or

(b) Use in connection with his or her name the word "denturist" or any other words, letter, abbreviations, or insignia implying that the person is engaged in the practice of dentistry.

(2) No person, firm, or corporation may represent or hold himself or herself out to the public as a denturist or as practicing denturistry unless certified under this chapter.

NEW SECTION, Sec. 84. Nothing in this chapter may be construed to prohibit or restrict:

(1) The practice of a profession by individuals who are licensed, certified, or registered under other laws of this state and who are performing services within their authorized scope of practice;

(2) The practice of denturistry by an individual employed by the government of the United States while the individual is engaged in the performance of duties prescribed for him or her by the laws and regulations of the United States;

(3) The practice of denturistry by students enrolled in a school approved by the department. The performance of services shall be pursuant to a course of instruction or assignment from an instructor and under the supervision of an instructor;

(4) The practice of denturistry by an intern pursuant to this chapter.

NEW SECTION, Sec. 85. (1) The state denturist advisory committee is created. The committee shall consist of five members appointed by the governor as follows:

(a) Two members of the committee shall have at least five years' experience preceding their appointment in the manufacture, fitting, installation and repair of dentures in this state or in another state, or both, and must be certified under this chapter, except initial denturist appointees, who shall have five years' experience, have completed certain courses approved by the director, and have passed the certification examination before their appointment to the committee.

(b) Two members shall be selected from persons who are not affiliated with any health care profession or facility as follows:

(i) One member shall be a senior citizen representative; and

(ii) One member shall be a consumer representing the general public.

(c) One member shall be selected from field of dental health education.

(2) The members of the committee shall serve for terms of three years. The terms of the initial members shall be staggered with the members appointed under subsection (1)(a) of this section serving two and three-year terms initially and the members appointed under subsection (1)(b) of this section serving one, two, and three-year terms initially. Vacancies shall be filled in the same manner as the original appointment, but appointments to fill vacancies shall be for the remainder of the unexpired term of the vacancies.

(3) No appointee may serve more than two consecutive terms.

(4) Members of the committee shall be reimbursed for travel expenses under RCW 43.03-.050 and 43.03.060.

(5) A member may be removed for cause.

NEW SECTION, Sec. 86. (1) The committee shall elect a president and secretary. Officers of the committee are elected for terms of one year at the annual meeting of the committee. The same person may not hold the office of president for more than three years in succession.

(2) The committee shall hold semiannual meetings to conduct business and advise the director concerning the administration of this chapter. The committee may meet at such other times as designated by the director.

(3) A majority of the committee constitutes a quorum for all purposes, and the majority vote of the members voting constitutes the action of the committee.

(4) The secretary of the committee shall keep a complete record of all of its proceedings.

NEW SECTION, Sec. 87. The director shall have the following powers and duties:

(1) To determine the qualifications of persons applying for certification under this chapter;

(2) To prescribe, administer, and determine the requirements for examinations and a passing grade for certification under this chapter;

(3) To issue certificates for the practice of denturistry under this chapter;

(4) To administer oaths and subpoena witnesses for the purpose of carrying out the activities authorized under this chapter;

(5) To adopt rules pursuant to chapter 34.04 RCW to carry out this chapter;

(6) Set all certification, examination, and renewal fees in accordance with RCW 43.24.086;

(7) Establish forms and procedures necessary to administer this chapter;

(8) Hire clerical, administrative, investigative, and other staff as needed to implement this chapter and act on behalf of the committee;

(9) To establish reciprocity agreements with states that maintain standards of practice equivalent to this state; and

(10) To evaluate and designate those schools from which graduation will be accepted as proof of an applicant's completion of course work requirements for certification.

The uniform disciplinary act, chapter 18.130 RCW, governs uncertified practice, the issuance and denial of certificates, and the disciplining of certificate holders under this chapter. The director shall be the disciplining authority under this chapter.

NEW SECTION, Sec. 88. Upon application and payment of appropriate fees and meeting the requirements of this section, the director shall issue a certificate to practice denturistry.

(1) Persons currently certified to practice dentistry under statutory provisions of other states that maintain standards of practice equivalent to this chapter shall be certified without examination upon providing the department with the following:

(a) Proof of successfully passing a written and clinical examination for dentistry in a state which the department has determined has at least equivalent standards as those in this chapter in both the written and clinical examinations; and

(b) An affidavit from the state agency where the person is licensed or certified attesting to the fact of the person's licensure or certification; and

(c) Pay all required fees for the application and certificate.

(2) Applicants who do not otherwise qualify under subsection (1) of this section shall:

(a) Provide to the department three affidavits by persons other than family members attesting to the applicant's employment in denture technology for at least five years;

(b) Provide documentation that the applicant has successfully completed courses approved by the director, including but not limited to head and oral anatomy and physiology, oral pathology, partial denture construction and design, microbiology, clinical dental technology, dental laboratory technology, clinical jurisprudence, radiology, asepsis, medical emergencies, and cardiopulmonary resuscitation;

(c) Upon meeting the requirements of subsection (2) (a) and (b) of this section, be permitted to take the examination for certification; and

(d) Pass a written examination approved by the department which includes, but is not limited to the following subjects:

(i) Head and oral anatomy and physiology;

(ii) Oral pathology;

(iii) Partial denture construction and design;

(iv) Microbiology;

(v) Clinical dental technology;

(vi) Dental laboratory technology;

(vii) Clinical jurisprudence;

(viii) Radiology;

(ix) Asepsis;

(x) Medical emergencies; and

(xi) Cardiopulmonary resuscitation.

(3) Persons graduating from a formal dentistry program shall:

(a) Document successful completion of formal training with the major course of study in dentistry of not less than two years at an educational institution accredited by an agency recognized by the director;

(b) Document that the applicant has:

(i) Completed two years of an internship program approved by the director; or

(ii) Three years of experience as a credentialed dentist in another state or Canada.

Interns shall work for a period of not less than two years under the direct supervision of a certified dentist, licensed prosthodontist, or a dentistry college in a program of training consisting of both laboratory and clinical procedures for an average of not less than twenty hours per week. An intern may complete portions of this requirement with more than one practitioner and is not required to complete the total training at the same facility. No practitioner may direct more than two interns at any time.

**NEW SECTION.** Sec. 89. The director shall administer the examinations for certification, subject to the following requirements:

(1) Examinations must be of such character as to determine the qualifications, fitness, and ability of the applicant to practice dentistry. The form of the test must include a written examination and a practical demonstration of skills.

(2) Examinations shall be held at least annually. An applicant shall obtain a passing score as determined by the department to qualify for certification. The written and practical examinations shall carry equal weight.

(3) The written examination shall cover, but shall not be limited to the following subjects: (a) Head and oral anatomy and physiology; (b) oral pathology; (c) partial denture construction and design; (d) microbiology; (e) clinical dental technology; (f) dental laboratory technology; (g) clinical jurisprudence; (h) radiology; (i) asepsis; (j) medical emergencies; and (k) cardiopulmonary resuscitation.

(4) Applicants who fail to pass either the written or practical examinations may have, upon payment of the appropriate fee, a second opportunity to retake that portion of the examination that they failed. The director may approve successive examinations upon application and payment of the prescribed fee. The director may hire trained persons certified under this chapter to administer and grade the examinations or may contract with regional examiners who meet qualifications adopted by the committee.

**NEW SECTION.** Sec. 90. The department shall charge and collect the fees established by the director under RCW 43.24.086. Fees collected shall be placed in the health professions account under RCW 43.24.072 to pay for the cost of administering this chapter.



(7) "License", "licensing", and "licensure" mean permission to engage in a health profession which would otherwise be unlawful in the state in the absence of the permission. A license is granted to those individuals who meet prerequisite qualifications to perform prescribed health professional tasks and for the use of a particular title.

(8) "Professional license" means an individual, nontransferable authorization to carry on a health activity based on qualifications which include: (a) Graduation from an accredited or approved program, and (b) acceptable performance on a qualifying examination or series of examinations.

(9) "Practitioner" means an individual who (a) has achieved knowledge and skill by practice, and (b) is actively engaged in a specified health profession.

(10) "Public member" means an individual who is not, and never was, a member of the health profession being regulated or the spouse of a member, or an individual who does not have and never has had a material financial interest in either the rendering of the health professional service being regulated or an activity directly related to the profession being regulated.

(11) "Registration" means the formal notification which, prior to rendering services, a practitioner shall submit to a state agency setting forth the name and address of the practitioner; the location, nature and operation of the health activity to be practiced; and, if required by the regulatory entity, a description of the service to be provided.

(12) "Regulatory entity" means any board, commission, agency, division, or other unit or subunit of state government which regulates one or more professions, occupations, industries, businesses, or other endeavors in this state.

(13) "State agency" includes every state office, department, board, commission, regulatory entity, and agency of the state, and, where provided by law, programs and activities involving less than the full responsibility of a state agency.

NEW SECTION, Sec. 98. A new section is added to chapter 48.20 RCW to read as follows:

Benefits shall not be denied under a disability insurance contract for services performed by a holder of a certificate issued under chapter 18.-- RCW (sections 80 through 96 of this act) if (1) the services performed were within the lawful scope of such person's certificate, and (2) the contract would have provided benefits if the services had been performed by a holder of a license issued under chapter 18.32 RCW.

NEW SECTION, Sec. 99. A new section is added to chapter 48.21 RCW to read as follows:

Benefits shall not be denied under a group disability insurance contract for services performed by a holder of a certificate issued under chapter 18.-- RCW (sections 80 through 96 of this act) if (1) the services performed were within the lawful scope of such person's certificate, and (2) the contract would have provided benefits if the services had been performed by a holder of a license issued under chapter 18.32 RCW.

NEW SECTION, Sec. 100. A new section is added to chapter 48.44 RCW to read as follows:

Benefits shall not be denied under a health care services contract for services performed by a holder of a certificate issued under chapter 18.-- RCW (sections 80 through 96 of this act) if (1) the services performed were within the lawful scope of such person's certificate, and (2) the contract would have provided benefits if the services had been performed by a holder of a certificate issued under chapter 18.32 RCW.

NEW SECTION, Sec. 101. A new section is added to chapter 48.46 RCW to read as follows:

Benefits shall not be denied under a health maintenance agreement for services performed by a holder of a certificate issued under chapter 18.-- RCW (sections 80 through 96 of this act) if (1) the services performed were within the lawful scope of such person's certificate, and (2) the agreement would have provided benefits if the services had been performed by a holder of a license issued under chapter 18.32 RCW.

NEW SECTION, Sec. 102. Sections 80 through 96 of this act shall constitute a new chapter in Title 18 RCW.

NEW SECTION, Sec. 103. A new section is added to chapter 43.131 RCW to read as follows:

The state dentist advisory committee and its powers and duties shall be terminated on June 30, 19-- , as provided in section 104 of this act.

NEW SECTION, Sec. 104. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 19--:

- (1) Section 80, chapter ---, Laws of 1987 and RCW 18.--- (section 80 of this act);
- (2) Section 81, chapter ---, Laws of 1987 and RCW 18.--- (section 81 of this act);
- (3) Section 82, chapter ---, Laws of 1987 and RCW 18.--- (section 82 of this act);
- (4) Section 83, chapter ---, Laws of 1987 and RCW 18.--- (section 83 of this act);
- (5) Section 84, chapter ---, Laws of 1987 and RCW 18.--- (section 84 of this act);
- (6) Section 85, chapter ---, Laws of 1987 and RCW 18.--- (section 85 of this act);
- (7) Section 86, chapter ---, Laws of 1987 and RCW 18.--- (section 86 of this act);
- (8) Section 87, chapter ---, Laws of 1987 and RCW 18.--- (section 87 of this act);
- (9) Section 88, chapter ---, Laws of 1987 and RCW 18.--- (section 88 of this act);
- (10) Section 89, chapter ---, Laws of 1987 and RCW 18.--- (section 89 of this act);
- (11) Section 90, chapter ---, Laws of 1987 and RCW 18.--- (section 90 of this act);

- (12) Section 91, chapter ---, Laws of 1987 and RCW 18.--.-- (section 91 of this act);  
 (13) Section 92, chapter ---, Laws of 1987 and RCW 18.--.-- (section 92 of this act);  
 (14) Section 93, chapter ---, Laws of 1987 and RCW 18.--.-- (section 93 of this act);  
 (15) Section 94, chapter ---, Laws of 1987 and RCW 18.--.-- (section 94 of this act);  
 (16) Section 95, chapter ---, Laws of 1987 and RCW 18.--.-- (section 95 of this act); and  
 (17) Section 96, chapter ---, Laws of 1987 and RCW 18.--.-- (section 96 of this act).

NEW SECTION. Sec. 105. Sections 80 through 104 of this act shall take effect thirty days after they are signed into law by the governor.

NEW SECTION. Sec. 106. The sum of . . . . . dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 19--, from the health profession account to the department of licensing for the purposes of sections 80 through 96 of this act."

Renumber the remaining section consecutively.

#### POINT OF ORDER

Senator Wojahn: "Mr. President, I would suggest that this is outside the scope and object of the bill. The bill simply adds three groups to the Uniform Disciplinary Act. It adds psychologists, nursing home administrators and hearing aid dealers. The amendments expand the scope to include denturists and I don't know what else, but anything could be added and I'm sure they are all in here and I would object to this on scope and object."

#### MOTION

On motion of Senator Vognild, further consideration of Substitute House Bill No. 563 was deferred.

#### SECOND READING

HOUSE BILL NO. 671, by Representatives Madsen, Winsley and Fisch

Revising provisions on the placement of new construction on the assessment rolls.

The bill was read the second time.

#### MOTION

On motion of Senator McDermott, the rules were suspended, House Bill No. 671 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 671.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 671 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalif, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Rinehart - 1.

HOUSE BILL NO. 671, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 697, by Committee on Health Care (originally sponsored by Representatives Cantwell, Brooks, Braddock, Sprenkle, Lux, P. King and Doty) (by request of Department of Social and Health Services)

Revising provisions on long-term care ombudsmen.

The bill was read the second time.

## MOTION

On motion of Senator Wojahn, the rules were suspended, Substitute House Bill No. 697 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 697.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 697 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE HOUSE BILL NO. 697, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 876, by Committee on Human Services (originally sponsored by Representatives Brough, Leonard, Scott, Allen, Brekke, Locke, Belcher, Patrick, Cole, Braddock, Rust, Lux and May)

Changing certification requirements for methadone treatment programs.

The bill was read the second time.

## MOTION

Senator Wojahn moved that the following Committee on Human Services and Corrections amendment be adopted:

On page 2, line 7, after "addiction." insert "Further, the state declares that the goal of methadone treatment is drug-free living for the individuals who participate in the drug treatment program."

Debate ensued.

The President declared the question before the Senate to be adoption of the Committee on Human Services amendment.

The motion by Senator Wojahn carried and the committee amendment was adopted.

## MOTIONS

On motion of Senator Wojahn, the following Committee on Human Services and Corrections amendment was adopted:

On page 3, line 33, after "chapter" strike "69.50" and insert "69.54"

Senator Wojahn moved that the following Committee on Human Services and Corrections amendment be adopted:

On page 4, line 9, after "69.54.035" insert ": PROVIDED, That a county which authorizes methadone treatment may operate such programs directly or through a local health department or health district or it may authorize certified methadone treatment programs which the county licenses to provide such services within the county"

Debate ensued.

The President declared the question before the Senate to be adoption of the Committee on Human Services amendment.

The motion by Senator Wojahn carried and the committee amendment was adopted.

## MOTION

Senator Kiskaddon moved that the following amendment be adopted:

On page 6, line 10, after "persons." insert "After consultation with the appropriate county legislative authority, the department may grant a waiver of the caseload limit in cases of compelling community need."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Kiskaddon.

The motion by Senator Kiskaddon failed and the amendment was not adopted on a rising vote.

#### MOTIONS

On motion of Senator Wojahn, the following title amendment was adopted:  
On line 2 of the title after "chapter" strike "69.50" and insert "69.54"

On motion of Senator Wojahn, the rules were suspended, Substitute House Bill No. 876, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 876, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 876, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE HOUSE BILL NO. 876, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 942, by Committee on Health Care (originally sponsored by Representatives Cantwell, Moyer, Braddock, D. Sommers, Sprengle, Ferguson, Schoon, Brooks, Lux, Beck, Bristow, Lewis, Day, Bumgarner, Jesernig, Padden and Miller)

Including a physician's assistant on the state board of medical examiners.

The bill was read the second time.

#### MOTION

On motion of Senator Wojahn, the rules were suspended, Substitute House Bill No. 942 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 942.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 942 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE HOUSE BILL NO. 942, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1004, by Committee on Health Care (originally sponsored by Representatives Day, Brooks, Sprengle, Braddock, Bumgarner, Bristow, Fisch, Moyer and Dellwo)

Extending the chiropractic disciplinary board.

The bill was read the second time.

## MOTION

Senator Wojahn moved that the following Committee on Human Services and Corrections amendments be considered simultaneously and adopted:

On page 1, line 15, strike "1997" and insert "1991"

On page 1, line 20, strike "1998" and insert "1992"

Debate ensued.

The President declared the question before the Senate to be adoption of the Committee on Human Services amendments.

The motion by Senator Wojahn failed and the committee amendments were not adopted.

## MOTION

On motion of Senator Wojahn, the rules were suspended, Substitute House Bill No. 1004 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1004.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1004 and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Deccio - 1.

SUBSTITUTE HOUSE BILL NO. 1004, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED HOUSE BILL NO. 1021, by Representatives Wineberry, Allen, Locke, Silver, Jacobsen, Heavey, Grimm, Niemi, Holland, Appelwick, Unsoeld, Braddock, Bristow, McMullen and Winsley

Establishing the Washington state and employers' higher educational opportunities program.

The bill was read the second time.

## MOTION

On motion of Senator Gaspard, the rules were suspended, Engrossed House Bill No. 1021 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1021.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1021 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen,

Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

ENGROSSED HOUSE BILL NO. 1021, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1097, by Committee on Ways and Means/Appropriations (originally sponsored by Representatives Ballard, Jacobsen, D. Sommers, Schoon, Winsley and P. King)

Continuing reciprocal tuition and fee programs.

The bill was read the second time.

#### MOTIONS

On motion of Senator Gaspard, the following Committee on Education amendment was adopted:

On page 1, after line 18, insert the following:

"Sec. 2. Section 4, chapter 166, Laws of 1983 as amended by section 76, chapter 370, Laws of 1985 and RCW 28B.15.756 are each amended to read as follows:

The boards of trustees of The Evergreen State College and the regional universities, the state board for community college education, and the boards of regents of the University of Washington and Washington State University shall waive the payment of nonresident tuition and fees by residents of the Canadian province of British Columbia, upon completion of and to the extent permitted by an agreement between the higher education coordinating board and appropriate officials and agencies in the Canadian province of British Columbia providing for enrollment opportunities for residents of the state of Washington without payment of tuition or fees in excess of those charged to residents of British Columbia."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On motion of Senator Gaspard, the following title amendment was adopted:

On page 1, line 2 of the title, after "28B.15.754" insert ", 28B.15.756."

On motion of Senator Gaspard, the rules were suspended, Substitute House Bill No. 1097, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1097, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1097, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE HOUSE BILL NO. 1097, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President returned the Senate to the fourth order of business.

#### MESSAGE FROM THE HOUSE

April 2, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5519 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 19.27 RCW to read as follows:

(1) A valid and fully complete building permit application for a structure, that is permitted under the zoning or other land use control ordinances in effect on the date of the application shall be considered under the building permit ordinance in effect at the time of application, and the zoning or other land use control ordinances in effect on the date of application.

(2) The requirements for a fully completed application shall be defined by local ordinance.

(3) The limitations imposed by this section shall not restrict conditions imposed under chapter 43.21C RCW.

NEW SECTION, Sec. 2. A new section is added to chapter 58.17 RCW to read as follows:

(1) A proposed division of land, as defined in RCW 58.17.020, shall be considered under the subdivision or short subdivision ordinance, and zoning or other land use control ordinances, in effect on the land at the time a fully completed application for preliminary plat approval of the subdivision, or short plat approval of the short subdivision, has been submitted to the appropriate county, city, or town official.

(2) The requirements for a fully completed application shall be defined by local ordinance.

(3) The limitations imposed by this section shall not restrict conditions imposed under chapter 43.21C RCW."

On page 1, line 1 of the title, after "rights;" strike the remainder of the title and insert "adding a new section to chapter 19.27 RCW; and adding a new section to chapter 58.17 RCW.",

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Halsan, the Senate concurred in the House amendments to Substitute Senate Bill No. 5519.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5519, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5519, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE SENATE BILL NO. 5519, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 30, 1987

Mr. President:

The House has passed SENATE BILL NO. 5712 with the following amendment:

On page 2, line 15 after "service" insert "or is not otherwise permanently residing in the United States under color of law".

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

Senator Rinehart moved that the Senate do concur in the House amendment to Senate Bill No. 5712.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Rinehart that the Senate do concur in the House amendment to Senate Bill No. 5712.

The motion by Senator Rinehart carried and the Senate concurred in the House amendment to Senate Bill No. 5712.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5712, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5712, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Sellar - 1.

SENATE BILL NO. 5712, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President advanced the Senate to the sixth order of business.

There being no objection, the Senate resumed consideration of House Bill No. 209, and the pending amendment by Senators Owen, Garrett, Deccio, Hayner, Vognild and Smitherman and the pending amendment by Senator Warnke, deferred earlier today.

## MOTION

On motion of Senator Owen, and there being no objection, the amendment by Senators Owen, Garrett, Deccio, Hayner, Vognild and Smitherman was withdrawn.

## MOTION

On motion of Senator Wojahn, and there being no objection, the point of order on the amendment by Senator Warnke on page 7, line 1, was withdrawn.

Debate on the amendment by Senator Warnke on page 7, line 1, ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Warnke.

The motion by Senator Warnke carried and the amendment was adopted.

## MOTIONS

On motion of Senator Warnke, the following title amendment was adopted:

On page 1, line 2 of the title, strike "and 82.24.130" and insert ", 82.24.130, and 82.24.070"

## MOTION

On motion of Senator Warnke, the rules were suspended, House Bill No. 209, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 209, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 209, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Sellar - 1.

HOUSE BILL NO. 209, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 129, by Committee on Human Services (originally sponsored by Representatives Brekke, Brooks, Leonard, Lewis, Crane, Scott, Moyer, Holm, P. King, Rayburn, Dellwo and Brough)

Adopting the omnibus credentialing act for counselors.

## MOTIONS

On motion of Senator Wojahn, the following Committee on Human Services and Corrections amendment was adopted:

On page 4, line 23, after "chapter" insert "or the counselor's use of nontraditional nonabusive therapeutic techniques"

On motion of Senator Wojahn, the following Committee on Human Services and Corrections amendment was adopted:

On page 4, line 30, after "chapter." strike "For" and insert "Solely for" and after "this" insert "education"

Senator Anderson moved that the following amendments by Senators Anderson and Deccio be considered simultaneously and adopted:

On page 1, line 21, after "fee" insert "or as a part of his or her position as an employee of a state agency"

On page 3, line 2, after "federal" strike "or state"

Debate ensued.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Wojahn, as I read the amendment it would put those people who are practicing counselling under this bill. It says, 'presently no regulatory mechanism on the state level exists to provide new kinds of professional counselors with information which will assist them in making informed consumer decisions or protect them from any unethical or deceptive practices which may be harmful to the mental or emotional health of the client.' Now, my question, if we are going to see that the school teachers are competent, shouldn't we see that the counselors are competent too? We have a tremendous amount of them that are counselling and I don't think that there's any regulation to say that these people that are in our state agencies are competent. You might say they can take their case to the Governor, but he's a busy man. If we can be assured that these people who are counselling not only with children but the adults—I would think it's a meritorious amendment. Why not?"

Senator Wojahn: "Well, number one, in the case of Creekmore, most of the people who are working in CPS are not counselors. They do not have the accreditation to be counselors. They have never been trained by the state. That's what some of our bills will address, but as far as anyone working as a counselor for the state, I don't know who they would be except counselors working in prisons and counselors working, perhaps, in developmentally disabled facilities. But, if they are not working for a fee, the general public is not exposed to them. If you're working for a fee outside and advertising yourself to be a counselor, then you should have a degree, probably at least an MA or doctorate to be counselling and if you are charging a fee, then you should be licensed. Under this bill, nobody that does not charge a fee has to be licensed. This would force them in, even though they are not counselors, that they could be adjudged to be so."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senators Anderson and Deccio.

The motion by Senator Anderson carried and the amendments were adopted on a rising vote.

## MOTION

Senator Kiskaddon moved that the following amendment be adopted:

On page 3 after line 19, insert a new subsection as follows:

"(7) Counselors whose residency is not Washington State from providing up to ten days per quarter of training or workshops in the state, as long as they don't hold themselves out to be registered or certified in Washington State."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Kiskaddon.

The motion by Senator Kiskaddon carried and the amendment was adopted.

#### MOTION

Senator Kiskaddon moved that the following amendment be adopted:

On page 6, line 30, after "disclose" insert "the written acknowledgment of the disclosure statement pursuant to section 6 nor"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Kiskaddon.

The motion by Senator Kiskaddon carried and the amendment was adopted.

#### MOTION

On motion of Senator Wojahn, the rules were suspended, Substitute House Bill No. 129, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Pullen: "Senator Wojahn, legislators frequently are called upon to do counselling quite informally. I am sure as you know, you get constituents calling up with serious problems. Sometimes they're emotional or other problems for which they need help and support. Would a legislator be able to provide informal counselling under the terms of this particular bill?"

Senator Wojahn: "As long as he or she did not charge."

Further debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Kiskaddon, did I hear you say that this would guarantee that you could get paid by the insurance companies, if you were a paid counselor? Of course, we free counselors, we never get paid, but you did mention and I was going to ask Senator Wojahn, because that question was asked in Rules, whether this makes it sure that they collect from the insurance companies?"

Senator Kiskaddon: "Senator Rasmussen, it says in Section 1, 'This chapter shall not be construed to require or prohibit that individual or group policies or contracts of an insurance carrier, health care services contractor would be required to give benefits.' So, legally there's nothing in here that says we'll get benefits, but there are a few insurance companies around that believe that they can protect people by making sure somehow that they have training. So, there are some companies that if you are certified by the state, they'd be more likely to authorize coverage especially if you had a prescription from a doctor. So, there will be a few people that will get some extra insurance money. There is certainly no mandate and there is nothing in the bill that says you have to. Most of the people are not going to get nearly what they thought they would."

Senator Rasmussen: "There is another section of the law, Senator Kiskaddon, I think, that says if you are receiving counselling for mental health, the insurance companies have to pay for it--yes or no?"

Senator Kiskaddon: "I can not specifically answer that question."

Senator Rasmussen: "It's not your intention that the insurance company should pay?"

Senator Kiskaddon: "Not automatically. It would be their choice."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 129, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 129, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 29; nays, 20.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Bottiger, Cantu, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Kiskaddon, Kreidler, Lee, McDermott, Moore, Nelson, Owen, Patterson, Peterson, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, von Reichbauer, Warnke, Wojahn - 29.

Voting nay: Senators Barr, Benitz, Bluechel, Conner, Craswell, Deccio, Hansen, Hayner, Johnson, McCaslin, McDonald, Metcalf, Newhouse, Pullen, Rasmussen, Sellar, Vognild, West, Williams, Zimmerman - 20.

SUBSTITUTE HOUSE BILL NO. 129, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 6:05 p.m., on motion of Senator Vognild, the Senate adjourned until 9:00 a.m., Wednesday, April 8, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## EIGHTY-SEVENTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Wednesday, April 8, 1987

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bender, Lee, Moore, Nelson and Tanner. On motion of Senator Vognild, Senators Bender and Tanner were excused. On motion of Senator Zimmerman, Senators Lee and Nelson were excused.

The Sergeant at Arms Color Guard, consisting of Pages Amy Willcox and Ian Newman, presented the Colors. Reverend Avery Finger, pastor of the Evangel Temple Church of God of Olympia, offered the prayer.

#### MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

#### PERSONAL PRIVILEGE

Senator Patterson: "Mr. President, a point of personal privilege. Members of the Senate, I wanted to bring to your attention that the flag bearers today are two young people who are products of the first cooperative school program that this Legislature authorized a few years ago from Palouse/Garfield. They entered into competition for the opportunity to come here and learn more about what government is all about. They wrote essays, they competed with several other young people in those two communities and if you want testimony to the cooperative program versus the forced consolidation of small rural high schools, they are a good testimony for it. I just wanted to recognize these young people and the opportunities we have given them to have better programming through cooperative programs. Thank you."

#### MESSAGE FROM THE GOVERNOR

April 7, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on April 7, 1987, Governor Gardner approved the following Senate Bills entitled:

Senate Bill No. 5009

Relating to the exemption from property taxes of outpatient dialysis facilities.

Senate Bill No. 5034

Relating to the Model Traffic Ordinance.

Sincerely,

TERRY SEBRING, Legal Counsel to the Governor

#### MESSAGE FROM THE HOUSE

April 7, 1987

Mr. President:

The House has passed:

SENATE BILL NO. 5062.

SENATE BILL NO. 5067.

SENATE BILL NO. 5148.

SUBSTITUTE SENATE BILL NO. 5155.

ENGROSSED SENATE BILL NO. 5161.

SUBSTITUTE SENATE BILL NO. 5199.

SENATE BILL NO. 5204.

SENATE BILL NO. 5227.

SUBSTITUTE SENATE BILL NO. 5288.

SENATE BILL NO. 5381.

SENATE BILL NO. 5403,  
 SUBSTITUTION SENATE BILL NO. 5417,  
 SENATE BILL NO. 5418,

SENATE JOINT MEMORIAL NO. 8006, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

There being no objection, the President advanced the Senate to the sixth order of business.

#### SECOND READING

HOUSE BILL NO. 148, by Representatives R. King, Patrick, Wang, P. King, Fisch, Dellwo and Valle (by request of Office of Financial Management)

Implementing the uniform business identification system among state agencies.

The bill was read the second time.

#### MOTION

On motion of Senator Warnke, the rules were suspended, House Bill No. 148 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 148.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 148 and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Absent: Senator Moore - 1.

Excused: Senators Bender, Lee, Nelson, Tanner - 4.

HOUSE BILL NO. 148, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 39, by Representatives Haugen, Zellinsky and P. King

Changing provisions related to special districts.

The bill was read the second time.

#### MOTIONS

On motion of Senator Talmadge, the following amendment was adopted:

On page 6, after line 16, insert the following:

**\*NEW SECTION, Sec. 6.** The legislature finds that numerous special purpose districts for a wide range of purposes have been established throughout the state. The legislature finds that review of the authority to establish these districts is an important factor in maintaining control of the increasing number of governmental entities in this state.

**NEW SECTION, Sec. 7.** (1) The legislative budget committee in cooperation with the committee on governmental operations in the senate and the committee on local government in the house of representatives shall review the authority to establish the special purpose districts under subsection (2) of this section and make recommendations for the continuation, termination, or modification of the special purpose districts. In conducting the review, the following factors shall be considered:

(a) The extent to which the special purpose districts have complied with legislative intent;

(b) The extent to which the special purpose districts are operating in an efficient and economical manner which results in optimum performance;

(c) The extent to which the special purpose districts are operating in the public interest by effectively providing a needed service that should be continued rather than modified, consolidated, or eliminated;

(d) The extent to which the special purpose districts duplicate the activities of other special purpose districts or of the private sector, where appropriate; and

(e) The extent to which the termination or modification of the special purpose districts would adversely affect the public health, safety, or welfare.

(2) By January 1, 1988, a schedule shall be established to review the following districts with the review completed by January 15, 1993: Aquifer protection areas under chapter 36.36 RCW; airport districts under RCW 14.08.290 through 14.08.330; cemetery districts under chapter 68.16 RCW; conservation districts under chapter 89.08 RCW; county rail districts under chapter 36.60 RCW; cultural arts, stadium, and convention districts under chapter 67.38 RCW; diking districts under chapter 85.05 RCW; diking and drainage improvement districts under chapter 85.15 RCW; diking, drainage, drainage improvement districts, and sewerage improvement districts under chapter 85.15 RCW; diking, drainage, and irrigation improvement districts under RCW 85.22.010; diking improvement districts under chapter 85.15 RCW; drainage districts under chapter 85.06 RCW; emergency medical services districts under RCW 36.32.480; ferry districts under RCW 36.54.080 through 36.54.100; fire protection districts under Title 52 RCW; flood control districts under chapter 86.09 RCW; flood control zone districts under chapter 86.15 RCW; health districts under chapter 70.46 RCW; housing authorities under chapter 35.82 RCW; intercounty diking and drainage districts under chapter 85.24 RCW; irrigation districts under Title 87 RCW; irrigation and rehabilitation districts under chapter 87.84 RCW; legal authorities under RCW 87.03.825 through 87.03.840; library districts under chapter 27.12 RCW; metropolitan municipal corporations districts under chapter 35.58 RCW; mosquito control districts under chapter 17.28 RCW; operating agencies under chapter 43.52 RCW; county park and recreation service areas under RCW 36.68.400; metropolitan park districts under chapter 35.61 RCW; park and recreation districts under chapter 36.69 RCW; pest districts under chapter 17.12 RCW; port districts under Title 53 RCW; public hospital districts under chapter 70.44 RCW; public utility districts under Title 54 RCW; public waterway districts under chapter 91.08 RCW; reclamation districts under chapter 89.30 RCW; river and harbor improvement districts under chapter 88.32 RCW; road districts under RCW 36.75.060; service districts under chapter 36.83 RCW; sewer districts under Title 56 RCW; sewerage improvement districts under chapter 85.15 RCW; solid waste collection districts under chapter 36.58A RCW; transit districts under chapters 36.57 and 36.57A RCW; television reception improvement districts under chapter 36.95 RCW; water districts under Title 57 RCW; regular weed districts under chapter 17.04 RCW; and intercounty weed districts under chapter 17.06 RCW.

(3) The recommendations shall be reported to the legislature, the special purpose districts concerned, and the state library.

NEW SECTION. Sec. 8. This chapter shall expire June 30, 1993.

NEW SECTION. Sec. 9. Sections 6 through 8 of this act shall constitute a new chapter in Title 44 RCW.\*

On motion of Senator Halsan, the following title amendments were considered simultaneously and adopted:

On page 1, line 2 of the title, after "85.38.240;" strike "and"

On page 1, line 3 of the title, after "85.38 RCW" insert "; adding a new chapter to Title 44 RCW; and providing an expiration date"

#### MOTION

On motion of Senator Halsan, the rules were suspended, Engrossed House Bill No. 39, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 39, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 39, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Absent: Senator Moore - 1.

Excused: Senators Bender, Lee, Nelson - 3.

ENGROSSED HOUSE BILL NO. 39, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President advanced the Senate to the seventh order of business.

There being no objection, the Senate resumed consideration of House Bill No. 64, deferred on third reading and final passage April 7, 1987.

#### MOTION

On motion of Senator Halsan, the rules were suspended, House Bill No. 64 was returned to second reading and read the second time.

#### MOTION

Senator Halsan moved that the following amendment be adopted:

On page 1, after line 8, insert the following:

"Sec. 2. Section .18.29, chapter 79, Laws of 1947 as last amended by section 1, chapter 287, Laws of 1986 and RCW 48.18.290 are each amended to read as follows:

(1) Cancellation by the insurer of any policy which by its terms is cancellable at the option of the insurer, or of any binder based on such policy, may be effected as to any interest only upon compliance with ~~((either or both of the following))~~ (a) and (b) or (c) of this subsection:

(a) Unless cancellation is due to reasons set forth in chapter 48.53 RCW, nonpayment of premiums, fraud, misrepresentation, or a material change in the condition or in the law affecting the risk, cancellation of a policy by the insurer shall not be issued more than sixty days after the policy has been in effect;

(b) Written notice of such cancellation, accompanied by the actual reason therefor, must be actually delivered or mailed to the insured and to his or her representative in charge of the subject of the insurance not less than forty-five days prior to the effective date of the cancellation except for cancellation of insurance policies for nonpayment of premiums, which notice shall be not less than ten days prior to such date and except for cancellation of fire insurance policies under chapter 48.53 RCW, which notice shall not be less than five days prior to such date;

~~((b))~~ (c) Like notice of not less than forty-five days must also be so delivered or mailed to each mortgagee, pledgee, or other person shown by the policy to have an interest in any loss which may occur thereunder.

(2) The mailing of any such notice shall be effected by depositing it in a sealed envelope, directed to the addressee at his or her last address as known to the insurer or as shown by the insurer's records, with proper prepaid postage affixed, in a letter depository of the United States post office. The insurer shall retain in its records any such item so mailed, together with its envelope, which was returned by the post office upon failure to find, or deliver the mailing to, the addressee.

(3) The affidavit of the individual making or supervising such a mailing, shall constitute prima facie evidence of such facts of the mailing as are therein affirmed.

(4) The portion of any premium paid to the insurer on account of the policy, unearned because of the cancellation and in amount as computed on the pro rata basis, must be actually paid to the insured or other person entitled thereto as shown by the policy or by any endorsement thereon, or be mailed to the insured or such person as soon as possible, and no later than forty-five days after the date of notice of cancellation to the insured for homeowners', dwelling fire, and private passenger auto. Any such payment may be made by cash, or by check, bank draft, or money order.

(5) This section shall not apply to contracts of life or disability insurance without provision for cancellation prior to the date to which premiums have been paid, or to contracts of insurance procured under the provisions of chapter 48.15 RCW."

#### POINT OF INQUIRY

Senator Deccio: "Senator Halsan, I was just looking at the amendment and noticed there were some changes. I don't know if that's old language or new, but on page 2, line 1, you changed forty-five to twenty; on page 16, you changed forty-five to twenty and on line 14, page 40, you changed forty-five to twenty. Can you tell me what that means?"

Senator Halsan: "Since we are prohibiting mid-term cancellations, unless they are for the purposes of misrepresentation or a material change in the condition affecting the risk, so after sixty days, if, in fact, they find out you have lied to them, then they can cancel you out. Since we are changing it to, basically, things that you have pulled the wool over the insurance company's eyes, the notice for cancellation is taken down from forty-five to twenty in that regard, but unless you have misled the insurance company, after that first sixty days, they can't cancel you under this language--whether it's forty-five days notice, as in current law, or

not. Presently, they can cancel you for any reason, just because they don't like the cut of your clothes with forty-five days notice."

Senator Deccio: "Well, the effect of the forty-five days and the twenty days, doesn't that reduce the amount of time the insurance company would give you or your agent time to replace that business?"

Senator Halsan: "That would be correct. If I might point out on lines 36 and 37, those are the only situations of misrepresentation or material change in conditions affecting the risk."

Senator Deccio: "Well, I guess two years ago I worked like a beaver to get both notices to forty-five days for cancellation. Now I see and I haven't had a chance to study this, but now I see we are going from forty-five days to twenty days and--I guess I need to study this a little bit to find out--but twenty days is not time enough for you to make arrangements to get a new policy replaced. That was the reason for the forty-five days cancellation and non-renewal."

Senator Halsan: "Frankly, Senator Deccio, I would accept that as a friendly oral amendment if you wish to make it."

Senator Deccio: "Well, I'd like to do that."

#### MOTION

Senator Deccio moved that the following amendments to the amendment be considered simultaneously and adopted:

On page 2, lines 1 and 16, strike "~~((forty-five))~~" twenty" and insert "forty-five"

On page 3, lines 14 and 15, strike "~~((forty-five))~~" twenty" and insert "forty-five"

Debate ensued.

#### POINT OF INQUIRY

Senator Hayner: "Senator Halsan, the way this amendment is written now, if I take out an insurance policy for my automobile and then I have three or four accidents and I report those to the insurance company and as a result the insurance company notifies me they are going to raise their premium, would they be able to do that?"

Senator Halsan: "Yes, because under line 6, page 2 of the amendment, it says that they can, in fact, cancel the policies for misrepresentation or material change in a condition affecting the risk. The only time they would be barred from doing that is when they are withdrawing from the market or doing it for some other reason that they can't even explain why they are doing it."

Further debate ensued.

#### POINT OF INQUIRY

Senator Deccio: "Senator Hayner, I don't understand what you just said. Would you explain it to me?"

Senator Hayner: "Well, it's my understanding that this was something that was a compromise situation and the insurance companies, up until this time, have had the right to cancel insurance, as I understand it, without reason. Now, it is changing that law to say that they cannot cancel unless, as was stated by Senator Halsan, there is fraud or some other change in the risk in which case, they could then ask them for more premiums, but they still couldn't cancel. It seems to me that this was a trade off for tightening up the law with respect to the insurance policy."

Senator Deccio: "Well, I don't think that is quite correct. There has always been--the insurance companies have had the other reasons why they would cancel a policy. They were restricted to forty-five days. Up until a few years ago, they didn't have to give any notice at all on certain policies and as I've said, I worked very hard and took a lot of heat from the insurance companies to go from zero days to forty-five days for either cancellation notice or non-renewal. Now, surprisingly enough, I see House Bill No. 64 now changes that forty-five days back to twenty days. I wouldn't trade off or compromise anything when you are talking about it in today's market, to reduce you down to twenty days when you can't even get an application--a company will not even look at an application in less than sixty days. Yet, we are saying that you have to give at least forty-five days."

"If I understand this amendment correctly and if I understand what is going on when I see the words forty-five days struck and replaced by twenty days, you just

really ruined a lot a hard work that some of us went through a couple of years ago. I think Senator Moore will attest to that—trying to get the companies—we started out at ninety days and we compromised at forty-five days. I think this is a tremendous disservice to the public to now allow them only twenty days in order to replace a policy when that policy is cancelled by the insurance company."

Further debate ensued.

#### MOTION

On motion of Senator Vognild, further consideration of House Bill No. 64 was deferred.

#### SECOND READING

HOUSE BILL NO. 75, by Representatives Rayburn, Nealey, Kremen, Prince and Bristow

Changing the designation of the coordinating agency for the association of irrigation districts.

The bill was read the second time.

#### MOTION

On motion of Senator Hansen, the rules were suspended, House Bill No. 75 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 75.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 75 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Bender, Nelson - 2.

HOUSE BILL NO. 75, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 96, by Representatives Madsen, L. Smith, Winsley, Unsoeld, Belcher, Appelwick and P. King

Revising provisions on the extension and collection of property taxes when the valuation of highly valued property is subject to an appeal.

The bill was read the second time.

#### MOTION

On motion of Senator Vognild, the rules were suspended, House Bill No. 96 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 96.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 96 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Bender, Nelson - 2.

HOUSE BILL NO. 96, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 9:42 a.m. on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 10:39 a.m. by President Cherberg.

#### MOTION

On motion of Senator Vognild, Senator Bottiger was excused.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 124, by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Cole, Armstrong, Fisher, Crane, Leonard, Betrozoff, Pruitt, Fisch, Rust, Miller and P. King)

Standardizing ballot order rotation of all candidates.

The bill was read the second time.

#### MOTION

On motion of Senator Halsan, the rules were suspended, Substitute House Bill No. 124 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 124.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 124 and the bill passed the Senate by the following vote: Yeas, 44; absent, 3; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Melcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Salling, Sellar, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Absent: Senators Bluechel, Garrett, Tanner - 3.

Excused: Senators Bender, Bottiger - 2.

SUBSTITUTE HOUSE BILL NO. 124, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of House Bill No. 64 and the pending amendments by Senator Deccio to the amendment by Senator Halsan on page 1, line 8, deferred earlier today.

#### MOTION

On motion of Senator Deccio, and there being no objection, the amendments to the amendment by Senator Halsan were withdrawn.

The President declared the question before the Senate to be adoption of the amendment by Senator Halsan on page 1, line 8, to House Bill No. 64.

#### POINT OF ORDER

Senator Deccio: "Mr. President, I would like to challenge on scope and object the amendment to House Bill No. 64. House Bill No. 64 is a one page, one paragraph bill and the title reads, 'An act relating to surety bonds.' Surety bonds cannot be cancelled, once written. This rather lengthy amendment deals with cancellations of other insurance policies and effectively changes the date of notice from forty-five days to twenty days. I don't believe this is within the scope of the bill, Mr. President, and I would like to make that challenge."

Further debate ensued.

## MOTION

On motion of Senator Vognild, further consideration of House Bill No. 64 was deferred.

There being no objection, the Senate resumed consideration of House Bill No. 827 and the pending amendment by Senator Warnke on page 2, line 30, deferred April 7, 1987.

## RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Newhouse, the President finds that House Bill No. 827 is a measure requiring school districts to solicit competitive bids or proposals when contracting for pupil transportation services.

"The amendment proposed by Senator Warnke allows the contracting of transportation services by school districts only if the contracts do not affect existing classified employees or positions and only if the districts have a written plan regarding staff and facilities previously dedicated to the service subject to the contract.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senator Warnke was ruled out of order.

## MOTION

On motion of Senator Gaspard, the rules were suspended, House Bill No. 827 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 827.

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 827 and the bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Bluechel, Hayner - 2.

Excused: Senators Bender, Bottiger - 2.

HOUSE BILL NO. 827, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1199, by Representative P. King

Designating appropriate individuals to receive service of process.

The bill was read the second time.

## MOTIONS

On motion of Senator Talmadge, the following amendment was adopted:  
On page 1, line 16, strike "office staff" and insert "designated agent"

On motion of Senator Talmadge, the rules were suspended, House Bill No. 1199, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1199, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1199, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Bluechel, Deccio - 2.

Excused: Senator Bottiger - 1.

HOUSE BILL NO. 1199, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 135, by Representatives H. Sommers, Hankins, Sayan, Ballard, P. King and Fuhrman (by request of Washington State Library)

Changing provisions relating to the Western Library Network.

The bill was read the second time.

## MOTIONS

Senator Halsan moved that the following Committee on Governmental Operations amendment be adopted:

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 1, chapter 31, Laws of 1975-76 2nd ex. sess. as amended by section 2, chapter 21, Laws of 1985 and RCW 27.26.020 are each amended to read as follows:

There is hereby established the western library network; hereinafter called the network, which shall consist of the western library network computer system, telecommunications systems, interlibrary systems, and reference and referral systems.

Responsibility for the network shall reside with the Washington state library commission(~~;~~ ~~except for certain automated data processing components as provided for and defined in chapter 43.165 RCW. PROVIDED, That all components, systems and programs operated pursuant to this section shall be approved by the data processing authority created pursuant to chapter 43.165 RCW~~). The commission shall adopt and promulgate policies, rules, and regulations consistent with the purposes and provisions of this chapter pursuant to chapter 34.04 RCW, the administrative procedure act, except that nothing in this chapter shall abrogate the authority of a participating library, institution, or organization to establish its own policies for collection development and use of its library resources.

Sec. 2. Section 11, chapter 250, Laws of 1971 ex. sess. as last amended by section 8, chapter 276, Laws of 1986 and RCW 42.30.110 are each amended to read as follows:

(1) Nothing contained in this chapter may be construed to prevent a governing body from holding an executive session during a regular or special meeting:

(a) To consider matters affecting national security;

(b) To consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price;

(c) To consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price. However, final action selling or leasing public property shall be taken in a meeting open to the public;

(d) To review negotiations on the performance of publicly bid contracts when public knowledge regarding such consideration would cause a likelihood of increased costs;

(e) To consider, in the case of an export trading company, financial and commercial information supplied by private persons to the export trading company;

(f) To receive and evaluate complaints or charges brought against a public officer or employee. However, upon the request of such officer or employee, a public hearing or a meeting open to the public shall be conducted upon such complaint or charge;

(g) To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee. However, subject to RCW 42.30.140(4), discussion by a governing body of salaries, wages, and other conditions of employment to be generally applied within the agency shall occur in a meeting open to the public, and when a governing body elects to take final action hiring, setting the salary of an individual employee or class of employees, or discharging or disciplining an employee, that action shall be taken in a meeting open to the public;

(h) To evaluate the qualifications of a candidate for appointment to elective office. However, any interview of such candidate and final action appointing a candidate to elective office shall be in a meeting open to the public;

(i) To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or

potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency;

(1) To consider, in the case of the state library commission or its advisory bodies, western library network prices, products, equipment, and services, when such discussion would likely adversely affect the network's ability to conduct business in a competitive economic climate.

(2) Before convening in executive session, the presiding officer of a governing body shall publicly announce the purpose for excluding the public from the meeting place, and the time when the executive session will be concluded. The executive session may be extended to a stated later time by announcement of the presiding officer.

Sec. 3. Section 2, chapter 110, Laws of 1975-'76 2nd ex. sess. as amended by section 4, chapter 21, Laws of 1985 and RCW 43.105.110 are each amended to read as follows:

There is hereby created a fund within the state treasury to be known as the "western library network computer system revolving fund" referred to ~~((in RCW 43.105.120 as "fund"))~~ as the "fund."

The fund shall be credited with all receipts from the rental, sale, or distribution of supplies, equipment, computer software, products, and services rendered to users and licensees of the western library network computer system. All gifts, grants, donations, and other moneys received by the network shall be deposited in the fund. All expenditures from the fund shall be authorized by law.

Sec. 4. Section 4, chapter 110, Laws of 1975-'76 2nd ex. sess. as amended by section 6, chapter 21, Laws of 1985 and RCW 43.105.130 are each amended to read as follows:

The ~~((data processing authority and the))~~ state library commission shall develop ~~((jointly))~~ a schedule of user fees for users of the western library network computer system and a schedule of charges for the network's products and licenses for the purpose of distributing and apportioning to such users, buyers, and licensees the full cost of operation and continued development of data processing and data communication services related to the network. Such schedule shall generate sufficient revenue to cover the costs relating to the library network of:

(1) The acquisition of data processing and data communication services, supplies, and equipment handled or rented by the data processing authority or under its authority by any other state data processing service center designee;

(2) The payment of salaries, wages, and other costs including but not limited to the acquisition, operation, and administration of acquired data processing services, supplies, and equipment; and

(3) The promotion of network products and services.

As used in this section, the term "supplies" shall not be interpreted to delegate or abrogate the state purchasing and material control director's responsibilities and authority to purchase supplies as provided for in chapter 43.19 RCW.

NEW SECTION. Sec. 5. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 110, Laws of 1975-'76 2nd ex. sess., section 3, chapter 21, Laws of 1985 and RCW 43.105.100;

(2) Section 3, chapter 110, Laws of 1975-'76 2nd ex. sess., section 5, chapter 21, Laws of 1985 and RCW 43.105.120;

(3) Section 18, chapter 197, Laws of 1983, section 9, chapter 21, Laws of 1985 and RCW 43.131.289; and

(4) Section 44, chapter 197, Laws of 1983, section 10, chapter 21, Laws of 1985 and RCW 43.131.290.

NEW SECTION. Sec. 6. The following sections are each recodified as new sections in chapter 27.26 RCW:

(1) RCW 43.105.110;

(2) RCW 43.105.130;

(3) RCW 43.105.140; and

(4) RCW 43.105.150.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect June 30, 1987."

Senator Rasmussen moved that the following amendment to the amendment be adopted:

On page 2, line 9, strike all of Sec. 2 and renumber the remaining sections accordingly.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Rasmussen to the Committee on Governmental Operations amendment.

The motion by Senator Rasmussen carried and the amendment to the committee amendment was adopted.

The President declared the question before the Senate to be adoption of the Committee on Governmental Operations amendment, as amended.

The motion by Senator Halsan carried and the committee amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Halsan, the following title amendments were considered simultaneously and adopted:

On page 1, line 1 of the title, after "network;" strike the remainder of the title and insert "amending RCW 27.26.020, 42.30.110, 43.105.110, and 43.105.130; recodifying RCW 43.105.110, 43.105.130, 43.105.140, and 43.105.150; repealing RCW 43.105.100, 43.105.120, 43.131.289, and 43.131.290; providing an effective date; and declaring an emergency."

On page 8, line 7 of the committee amendment, after ".020," strike "42.30.110."

On motion of Senator Halsan, the rules were suspended, House Bill No. 135, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 135, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 135, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Loe, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

HOUSE BILL NO. 135, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 359 and the pending Committee on Ways and Means amendments, deferred April 7, 1987.

#### RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Rasmussen, the President finds that Substitute House Bill No. 359 is a measure relating to judicial retirement, closing the existing retirement system and placing all future judges within the Public Employees Retirement System.

"The amendments proposed by the Committee on Ways and Means also cap the judicial retirement system, placing all future judges in PERS, increase the judges contribution rate and retirement allowance.

"The President, therefore, finds that the proposed amendments do not change the scope and object of the bill and that the point of order is not well taken."

The Committee on Ways and Means amendments were ruled in order.

#### MOTION

On motion of Senator Vognild, further consideration of Substitute House Bill No. 359 was deferred.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 563, and the pending amendments by Senators Rasmussen, Bender and Kiskaddon, deferred April 7, 1987.

#### RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Wojahn, the President finds that Substitute House Bill No. 563 is a measure adding certain regulated professions to the coverage of the Uniform Disciplinary Act.

"The amendments proposed by Senators Rasmussen, Bender and Kiskaddon regulate the practice of dentistry, set up an advisory board for denturists and provide for the administrative procedures for certifying denturists.

"The President, therefore, finds that the proposed amendments do change the scope and object of the bill and that the point of order is well taken."

The amendments by Senators Rasmussen, Bender and Kiskaddon were ruled out of order.

#### MOTION

Senator Kiskaddon moved that the following amendment be adopted:

On page 30, line 5, after "chapter" insert ": PROVIDED, That nothing in this act shall prevent an individual from listing academic degrees received by that individual in connection with the advertisement of counseling services"

Debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Kiskaddon, I am not familiar with this, not being in the profession, but it seems to me that the Supreme Court ruled on that issue that you could advertise whatever you wanted to, as long as it was true. I know that the lawyers used to prohibit advertising and the dentists used to prohibit it, and I think it was ruled out. Maybe some one of the lawyers here on the floor could tell us about it.

"Phil, is that true? I know that the lawyers now are advertising; the yellow pages are full of them and so are many other professions. Maybe I asked the wrong man. I should have asked Senator Talmadge."

Senator Kiskaddon: "There are advertisements, but the main thing is that the disciplinary board was saying to psychologists that wanted to advertise as a marriage and family counselor or some division, because he couldn't be a licensed psychologist since he didn't have a Ph.D.--that he couldn't use his degree in psychology as part of the ad."

Senator Rasmussen: "Thank you."

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, do you remember the days when the lawyers couldn't advertise and now they fill the yellow pages? How did that come about? Was there a Supreme Court rule on that--that it was a constitutional right to say what you were?"

Senator Talmadge: "The United States Supreme Court decision in the case of Bates against the State Bar Association of Arizona said they could advertise as a matter of First Amendment Rights. There are still limitations on misleading advertisement by any profession, Senator Rasmussen, and I guess the concern with this thing would be that if you list all your degrees, that might include things like the institute of whatever or the La Salle Matchbook University School of Psychology or whatever. That might be the concern."

Senator Rasmussen: "Thank you, Senator Talmadge, that's what I thought--that the Supreme Court had ruled--assert your constitutional rights and then let them see if they will put you in jail."

The President declared the question before the Senate to be adoption of the amendment by Senator Kiskaddon.

The motion by Senator Kiskaddon failed and the amendment was not adopted.

#### MOTION

On motion of Senator Bender, Senator Owen was excused.

#### MOTION

On motion of Senator Wojahn, the rules were suspended, Substitute House Bill No. 563 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 563.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 563 and the bill passed the Senate by the following vote: Yeas, 41; nays, 7; excused, 1.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, Moore, Newhouse, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 41.

Voting nay: Senators Barr, Craswell, McCaslin, McDonald, Metcalf, Nelson, Pullen - 7.

Excused: Senator Owen - 1.

SUBSTITUTE HOUSE BILL NO. 563, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## INTRODUCTION OF SPECIAL GUESTS

The President introduced the Sequim Irrigation Festival Royalty who were seated in the gallery. The honored guests of Senator Paul Conner were Queen Gia Snyder and Princesses Michelle Matheng, Lynie Brown and Caryn DeChant.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 773, by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Holm, Nealey, Haugen, Barnes, Holland, Dellwo, Jesernig, P. King, Winsley and Betzoff)

Allowing county auditors to investigate and cancel invalid voter registration.

The bill was read the second time.

## MOTIONS

On motion of Senator Rinehart, the following amendment by Senators Rinehart, Talmadge and Pullen was adopted:

On page 1, line 19, after "within" strike "forty-five" and insert "sixty"

On motion of Senator Rinehart, the following amendment by Senators Rinehart, Talmadge and Pullen was adopted:

On page 2, line 7, after "auditor" strike "may" and insert "shall"

Senator Warnke moved that the following amendment by Senators Warnke, Newhouse and Nelson be adopted:

On page 2, following line 21, insert the following:

**"NEW SECTION, Sec. 3.** A new section is added to chapter 29.10 RCW to read as follows: In order to create a common voter registration system and to provide a unique voter ID number for every voter of the state, the Secretary of State shall provide a legislative proposal for adoption by the legislature at its 1988 regular session."

## POINT OF INQUIRY

Senator Talmadge: "Senator Warnke, this was not an amendment that was considered by the Judiciary Committee or the Committee on Constitutions and Elections in the House. Maybe you could amplify a little bit exactly your intention with respect to this so called unique voter registration number. Does this imply we are all going to be carrying I.D. cards issued by the Secretary of State's office and photographs on that? What exactly are we proposing to do with respect to this system?"

Senator Warnke: "We are trying to come up with a unique I.D. number. I see no reason that it's going to have a voter number identification card which you will be carrying around. We are asking the Secretary of State to take a look at the procedure to find out if it's possible. It may not be possible at all to have a unique number that still assures the security of the voter."

Senator Talmadge: "Could you give me an idea of what the value would be of having a unique number for each and every voter in the state of Washington?"

Senator Warnke: "I think with our computerization of lists, it would be much quicker."

Further debate ensued.

## POINT OF ORDER

Senator Talmadge: "Mr. President, I raise the point of order that the amendment expands the scope and object of House Bill No. 773. This was a bill that was calculated and recommended by the auditor of the state to deal with the problem of people who had moved or people who are no longer appropriately on the voters' lists of the state of Washington. The amendment by Senator Warnke and others is one that deals with the issue of a common voter I.D. or registration system by number. I certainly believe that that kind of amendment, that kind of study, expands the scope and object of a relatively simple bill calculated to deal with the voters' lists."

## MOTION

On motion of Senator Vognil, further consideration of Substitute House Bill No. 773 was deferred.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 931, by Committee on Health Care (originally sponsored by Representatives Leonard, Padden, Braddock, Day, Hine, Lewis, Appelwick and Sprenkle)

Regulating the possession and distribution of legend drug samples.

The bill was read the second time.

## MOTIONS

On motion of Senator Wojahn, the following Committee on Human Services and Corrections amendments were considered simultaneously and adopted:

On page 5, line 25, after "board" strike "and a reasonable opportunity to comply"

On page 5, line 26, after "dollars." insert "The board shall take no action to impose any civil penalty except pursuant to a hearing held in accordance with chapter 34.04 RCW."

On page 5, line 28, after "board" strike "and a reasonable opportunity to comply"

On motion of Senator Wojahn, the following Committee on Human Services and Corrections amendment was adopted:

On page 8, after line 29, insert a new section to read as follows:

**\*NEW SECTION. Sec. 11.** There is established a joint select committee on pharmacy issues. The committee shall be composed of two members of the majority party and two members of the minority party from each house of the legislature appointed by the president of the senate and the speaker of the house. The committee shall confine their study to legend drug sample distribution, initiating and modifying prescription drug therapy and the substitution of therapeutic equivalents, and the use of neuroleptic drugs. The committee will report to the appropriate committees of the legislature by January 1, 1988."

Renumber the remaining sections accordingly and correct internal references.

## MOTION

On motion of Senator Wojahn, the rules were suspended, Engrossed Substitute House Bill No. 931, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Sellar: "Senator Tanner, it is my understanding that Engrossed Substitute House Bill No. 931 is intended solely to regulate the storage, handling and distribution of legend drug samples by manufacturers. Therefore, am I correct that the bill is not intended to and does not regulate the storage in any other settings and handling by other persons of drug samples?"

Senator Tanner: "Senator Sellar, yes, you are correct. Engrossed Substitute House Bill No. 931 is not intended to and does not regulate the storage and handling of legend drug samples by physicians or other practitioners. The bill is not intended to and does not regulate the storage and handling of drug samples in the offices of physicians and other practitioners. The only persons regulated by or affected by Engrossed Substitute House Bill No. 931 are manufacturers."

## MOTION

On motion of Senator Zimmerman, Senator Bailey was excused.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 931, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 931, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Anderson, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sailing, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senator McCaslin - 1.

Excused: Senator Bailey - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 931, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President returned the Senate to the fourth order of business.

#### MESSAGES FROM THE HOUSE

April 7, 1987

Mr. President:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4415.

The House has also adopted:

SENATE CONCURRENT RESOLUTION NO. 8408, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 7, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5598, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

There being no objection, the President advanced the Senate to the fifth order of business.

#### INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4415 by Representatives McMullen and Ballard

Resolving joint session on April 9, 1987.

#### MOTIONS

On motion of Senator Vognild, the rules were suspended, House Concurrent Resolution No. 4415 was advanced to second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, House Concurrent Resolution No. 4415 was advanced to third reading, the second reading considered the third and the resolution was adopted.

There being no objection, the President advanced the Senate to the eighth order of business.

#### MOTION

On motion of Senator McDermott, the following resolution was adopted:

#### SENATE RESOLUTION 1987-8644

by Senators McDermott, Rasmussen, Pullen, Fleming, Bauer, Bender, Bottiger, Conner, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Kreidler, Moore, Owen, Peterson, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio,

Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Saling, Sellar, West, von Reichbauer and Zimmerman

WHEREAS, Vladimir and Maria Slepak have been trying to leave the Soviet Union since 1970, and have been refused the right to emigrate for seventeen years; and

WHEREAS, Vladimir and Maria Slepak have been forcibly separated from their sons for many years and have never seen their grandchildren; and

WHEREAS, Vladimir and Maria Slepak have spent five years in exile in Siberia for "hooliganism" because of their desire to be reunited with their family; and

WHEREAS, The right to emigrate is guaranteed by the United Nations Declaration of Human Rights, and the right to family reunification is recognized by the signatories to the Helsinki Accords; and

WHEREAS, The Soviet Union is a signatory to the Helsinki Accords and a contracting party to the International Covenant on Civil and Political Rights, yet continues to violate these agreements; and

WHEREAS, Alexander Slepak, son of Vladimir and Maria Slepak, is engaged in a seventeen day hunger strike at the United States Capitol to symbolize the seventeen years that his parents have been denied an exit visa from the USSR and to call attention to the 400,000 Soviet Jewish citizens whose requests for emigration have been ignored;

NOW, THEREFORE, BE IT RESOLVED, That the Senate proclaims April 8, 1987, Vladimir and Maria Slepak Day, as we join the sixteen other States designated to stand in solidarity with Alex Slepak in his seventeen day hunger strike; and

BE IT FURTHER RESOLVED, That the Senate protests the continued denial of exit visas to Vladimir and Maria Slepak and urges the Soviet authorities to adhere to international agreements signed in good faith by their government by permitting the Slepaks and 400,000 other refuseniks to leave the USSR; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Vladimir and Maria Slepak in Moscow, to General Secretary Gorbachev, the Soviet Ambassador to the United States, the President of the United States, and the members of the United States Congress from the state of Washington.

Senators McDermott, Pullen, Benitz and Zimmerman spoke to the resolution.

#### MOTION

On motion of Senator Owen, the following resolution was adopted:

#### SENATE RESOLUTION 1987-8643

by Senators Owen, von Reichbauer, Rasmussen, Gaspard, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Patterson, Pognon, Pullen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vogtild, Warnke, West, Williams, Wojahn and Zimmerman

WHEREAS, Elizabeth Meadowcroft has faithfully served as a member of the Washington Game Commission for twelve years, after having been appointed by Governor Dan Evans as the first woman ever named to the Commission; and

WHEREAS, During her twelve year tenure the Department of Game has begun such programs as its "Nongame Program," which is responsible for the management of over five-hundred wildlife species throughout the state, and which has developed into one of the finest programs in the country; and

WHEREAS, The initiation of weekend Commission meetings and statewide public meetings during Commissioner Meadowcroft's tenure have given thousands of sportsmen and the general public the opportunity to express their views and become significantly more involved in actions of the Game Commission and the Department of Game; and

WHEREAS, The great strides made by the Commission and the Department in bettering this state's wildlife resources have been achieved in large part to the efforts, work and inspiration of Commissioner Meadowcroft; and

WHEREAS, Commissioner Meadowcroft's love for the outdoors and accomplishments in the area of wildlife preservation are exemplified by her involvement as a past board member of the Northwest Trek Foundation of Eatonville, and her present trusteeship for the Natural Resources and Wildlife Foundation;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, That Mrs. Elizabeth "Wiz" W. Meadowcroft be commended as a distinguished citizen for dedicated service on behalf of the citizens of the state; and

BE IT FURTHER RESOLVED, That a copy of this resolution shall be transmitted by the Secretary of the Senate to Mrs. Elizabeth W. Meadowcroft and her family.

Senators Owen, Rasmussen and Stratton spoke to the resolution.

#### INTRODUCTION OF SPECIAL GUEST

The President introduced Mrs. Elizabeth Meadowcroft, who was seated with him on the rostrum.

With permission of the Senate, business was suspended to permit Game Commissioner Meadowcroft to address the Senate.

#### MOTION

At 12:08 p.m., on motion of Senator Vognild, the Senate recessed until 1:30 p.m.

#### AFTERNOON SESSION

The Senate was called to order at 2:29 p.m. by President Cherberg.

There being no objection, the President returned the Senate to the sixth order of business.

#### SECOND READING

HOUSE BILL NO. 136, by Representatives Spanel, S. Wilson, Cole, P. King, Lewis and Fuhrman (by request of Department of Game)

Providing more flexibility in game commission meeting dates.

The bill was read the second time.

#### MOTION

On motion of Senator Vognild, the rules were suspended, House Bill No. 136 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 136.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 136 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

HOUSE BILL NO. 136, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 142, by Representatives Armstrong, Padden, Locke and Crane (by request of Attorney General)

Clarifying the attorney general's authority to use presuit investigative powers in consumer complaints where the violation may ultimately be prosecuted under federal consumer protection law.

The bill was read the second time.

## MOTION

On motion of Senator Talmadge, the rules were suspended, House Bill No. 142 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 142.

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 142 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalif, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vogndild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

HOUSE BILL NO. 142, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 55, by Committee on Natural Resources (originally sponsored by Representatives Sutherland, B. Williams, Peery, Holm, Hargrove, Vekich, Cooper, Sayan, Basich, Fisch, Baugher and Kremen)

Modifying the determinations of sustainable harvest.

The bill was read the second time.

## MOTION

On motion of Senator Owen, the rules were suspended, Substitute House Bill No. 55 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 55.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 55 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalif, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vogndild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE HOUSE BILL NO. 55, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 63, by Committee on Local Government (originally sponsored by Representatives Unsoeld, Haugen, Cooper, Madsen, Nutley, Belcher and May)

Revising provisions on lake management districts.

The bill was read the second time.

## MOTIONS

On motion of Senator Kreidler, the following Committee on Parks and Ecology amendments were considered simultaneously and adopted:

On page 8, after line 21, strike all material down to and including "public" on line 27 and insert "Public property, including property owned by the state of Washington, shall be subject to special assessments to the same extent that private property is subject to the special assessments"

On page 9, beginning on line 7, delete "except public uses"

On motion of Senator Kreidler, the rules were suspended, Substitute House Bill No. 63, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 63, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 63, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Voting nay: Senator McCaslin - 1.

SUBSTITUTE HOUSE BILL NO. 63, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 66, by Representatives Rayburn, Nealey, Prince, Kremen, McLean, Fuhrman, Betrozoff, P. King, Chandler, Lewis and Doty

Lowering the business and occupation tax rate on the manufacture of barley into pearl barley.

The bill was read the second time.

#### MOTION

On motion of Senator Hansen, the rules were suspended, House Bill No. 66 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 66.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 66 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

HOUSE BILL NO. 66, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 114, by Committee on Commerce and Labor (originally sponsored by Representatives Sayan, Patrick, Wang, R. King, Fisch and Winsley)

Extending effect of expired collective bargaining agreement.

The bill was read the second time.

#### MOTIONS

On motion of Senator Warnke, the following Committee on Commerce and Labor amendment was not adopted:

On page 1, line 10, after "RCW," insert "collective bargaining agreements entered into by public hospital districts."

On motion of Senator Warnke, the rules were suspended, Engrossed Substitute House Bill No. 114 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Bauer: "Senator Warnke, the bill provides that it will not apply to employees covered by RCW 54.04.170 and 54.04.180. What is the purpose of that reference?"

Senator Warnke: "RCW 54.04.170 and 54.04.180 govern the labor relations of public utility districts. PUDs have never been covered by Chapter 41.56 RCW, and so they would not be affected by this bill in any event."

#### POINT OF INQUIRY

Senator Deccio: "Senator Warnke, under this bill, if the employee bargaining unit and if the employees knew that there was a reduction in salary in the offing, wouldn't it allow the employees the ability to keep on working for an indeterminate amount of time and in effect, not having to go out on strike in that disagreement? This would enable them to keep working with no reduction and could go on for months and months and not have to reach an agreement at the bargaining table. Is that right?"

Senator Warnke: "If the employee groups have gone through all the mediation and then an impasse has been declared, yes. If this bill were in, they would remain under the existing contract. The same thing occurs for the employer if they have the money for a raise and decided not to give it, they could also go through impasse and then decide that they are not going to implement and just let employees stay under an existing contract forever."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 114.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 114 and the bill failed to pass the Senate by the following vote: Yeas, 22; nays, 27.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Moore, Peterson, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Vognild, Williams, Wojahn - 22.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Saling, Sellar, Tanner, von Reichbauer, Warnke, West, Zimmerman - 27.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 114, having failed to receive the constitutional majority, was declared lost.

#### NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Warnke served notice that he would move to reconsider the vote by which Engrossed Substitute House Bill No. 114 failed to pass the Senate.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 168, by Committee on Local Government (originally sponsored by Representatives Madsen, Brough, Haugen, May, Unsoeld, Sayan, Grant, Nutley, L. Smith, Ferguson, Holm, Todd, Belcher, Basich, Hargrove, Spanel, Leonard, Cooper and Hine)

Revising provisions on fire service district service charges.

The bill was read the second time.

#### MOTIONS

On motion of Senator Halsan, the following Committee on Governmental Operations amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 126, Laws of 1974 ex. sess. as amended by section 122, chapter 7, Laws of 1985 and RCW 52.18.010 are each amended to read as follows:

The board of fire commissioners of ~~((any))~~ a fire protection district ~~((created pursuant to chapter 52.02 RCW))~~ may by resolution, for fire protection district purposes authorized by law, fix and impose a service charge ~~((upon))~~ on personal property and improvements to real property ~~((:))~~ which are located within the fire protection district on the date specified and which have or will receive the ~~((benefit of fire protection))~~ benefits provided by the fire protection district, to be paid by the owners of ~~((such))~~ the properties: PROVIDED, That ~~((such))~~ a service charge shall not apply to personal property and improvements to real property owned or used by any recognized religious denomination or religious organization as, or including, a sanctuary or for purposes related to the bona fide religious ((works)) ministries of ((such)) the denomination or religious organization, including schools and educational facilities used for kindergarten, primary, or secondary educational purposes or for institutions of higher education and all grounds and buildings related thereto ((or to)), but not including personal property and improvements to real property owned or used by ((public or private schools or institutions of higher education)) any recognized religious denomination or religious organization for business operations, profit-making enterprises, or activities not including use of a sanctuary or related to kindergarten, primary, or secondary educational purposes or for institutions of higher education. The aggregate amount of such service charges in any one year shall not exceed an amount equal to sixty percent of the operating budget for the year in which the service charge is to be collected: PROVIDED, That it shall be the duty of the county legislative authority to make any necessary adjustments to assure compliance with such limitation and to immediately notify the board of fire commissioners of any changes thereof.

~~((Any such))~~ A service charge imposed shall be reasonably proportioned to the measurable ~~((financial))~~ benefits to property resulting from the ~~((fire protection))~~ services afforded by the district. It ~~((shall be deemed))~~ is acceptable to ~~((proportion))~~ apportion the service charge to the values of the properties as found by the county assessor modified generally in the proportion that fire insurance rates are reduced or entitled to be reduced as the result of providing ~~((such fire))~~ the services. Any other method that reasonably apportions the service charges to the actual ~~((financial))~~ benefits resulting from the degree of protection, ~~((such as))~~ which may include but is not limited to the distance from regularly maintained fire protection equipment, the level of fire prevention services provided to the properties, or the need of the properties for specialized services, may be specified in the resolution and shall be subject to contest ~~((only))~~ on the ground of unreasonable or capricious action or action in excess of the measurable benefits to the property resulting from services afforded by the district: PROVIDED, That ~~((any such method shall be in accordance with the fire defense rating of the district as ratified by the state insurance commissioner: PROVIDED FURTHER, That no))~~ a service charge authorized by ~~((the provisions of))~~ this chapter shall not be applicable to the personal property or improvements to real property of any individual, corporation, partnership, firm, organization, or association maintaining ~~((his or its own))~~ a fire department and whose fire protection and training system has been accepted by a fire insurance underwriter maintaining a fire protection engineering and inspection service authorized by the state insurance commissioner to do business in this state, but such property may be protected by the fire protection district under a contractual agreement.

Sec. 2. Section 2, chapter 126, Laws of 1974 ex. sess. as amended by section 123, chapter 7, Laws of 1985 and RCW 52.18.020 are each amended to read as follows:

The term "personal property" for the purposes of this chapter shall ~~((be held and construed to embrace and))~~ include every form ~~((and manner))~~ of tangible personal property, including but not limited to, all goods, chattels, stock in trade, estates, or crops: PROVIDED, That ~~((there shall be exempt from the service charge imposed pursuant to the provisions of this chapter))~~ all personal property not assessed and subjected to ad valorem taxation by the county assessor ~~((pursuant to the provisions of))~~ under Title 84 RCW, and all property subject to ~~((the provisions of))~~ RCW 52.30.020 and chapter 54.28 RCW, or all property that is subject to a contract for services with a fire protection district, shall be exempt from the service charge imposed under this chapter: PROVIDED FURTHER, That the term "personal property" shall not include any personal property used for farming, field crops, farm equipment, livestock, or other tangible personal ~~((farm))~~ property, nor ordinarily housed or stored within a building structure: AND PROVIDED FURTHER, That the term "improvements to real property" shall not include permanent growing crops, field improvements installed for the purpose of aiding the growth of permanent crops, or other field improvements normally not subject to damage by fire.

Sec. 3. Section 3, chapter 126, Laws of 1974 ex. sess. as amended by section 53, chapter 100, Laws of 1986 and RCW 52.18.030 are each amended to read as follows:

The resolution establishing service charges as specified in RCW 52.18.010 ~~((:))~~ shall specify, by legal geographical areas or other specific designations, the ~~((rate))~~ charge to apply to each property by location, type, or other designation, ~~((and such))~~ or other information ~~((as))~~ that is ~~((deemed))~~ necessary to the proper computation of the service charge to be charged to each property owner subject to the resolution. The county assessor shall determine and identify the personal properties and improvements to real property which are subject to a service charge in each fire protection district and shall furnish and deliver to the county treasurer a listing of ~~((such))~~ the properties with information describing the location, legal description, and

address of the person to whom the statement of service charges is to be mailed, the name of the owner, and the value of the property and improvements, together with the service charge to apply to each. ~~These service charges ((revied hereunder))~~ shall be certified to the county treasurer for collection in the same manner that is used for the collection of fire protection charges for forest lands protected by the department of natural resources ~~((as prescribed by))~~ under RCW 76.04.610 and the same penalties and provisions for collection shall apply.

Sec. 4. Section 4, chapter 126, Laws of 1974 ex. sess. and RCW 52.18.040 are each amended to read as follows:

Each fire protection district shall contract, prior to the effective date of a resolution imposing a service charge, for the administration and collection of ~~((such))~~ the service charge(s) by the county treasurer, who shall deduct a ~~((percentage amount))~~ percent, as provided by contract ~~((as reimbursement of))~~ to reimburse the county for expenses incurred by the county assessor and county treasurer in the administration of ~~((the provisions of))~~ the resolution and this chapter. The county treasurer shall make distributions each year, as the charges are collected, in the amount of the service charges imposed on behalf of each district, less the deduction provided for in the contract.

Sec. 5. Section 5, chapter 126, Laws of 1974 ex. sess. and RCW 52.18.050 are each amended to read as follows:

(1) Any service charge authorized by this chapter shall not be effective unless a proposition to impose ~~((such))~~ the service charge is approved by a sixty percent majority of the voters of the district voting at a general election or at a special election called by the district for that purpose, held within the fire protection district. ~~((Any))~~ An election held pursuant to this section shall be held not more than twelve months prior to the date on which the first such charge is to be assessed: PROVIDED, That ~~((such))~~ a service charge approved at an election shall not remain in effect for a period of more than three years unless subsequently reapproved by the voters.

(2) The ballot shall be submitted so as to enable the voters favoring the authorization of a fire protection district service charge to vote "Yes" and those opposed thereto to vote "No," and ~~((such))~~ the ballot shall be ~~((in substantially the following form))~~:

"Shall \_\_\_\_\_ county fire protection district No. \_\_\_\_\_ be authorized to impose ((a fire protection district)) service charges each year ((hereafter in an aggregate amount each year)) for up to a three-year period, not to exceed an amount equal to sixty percent of ((the)) its operating budget ((for the year in which the service charge is to be collected)), and be prohibited from imposing an additional property tax under RCW 52.16.160?"

YES

NO

Sec. 6. Section 7, chapter 126, Laws of 1974 ex. sess. and RCW 52.18.060 are each amended to read as follows:

(1) Not less than ten days nor more than six months before the election at which the proposition to impose the service charge is submitted as provided in this chapter, the board of fire commissioners of the district shall hold a public hearing specifically setting forth its proposal to impose service charges for the support of its legally authorized activities which will ~~((substantially))~~ maintain or improve the ~~((fire protection))~~ services afforded in the district. A report of the public hearing shall be filed with the county treasurer and be available for public inspection.

(2) Prior to October 15 of each year the board of fire commissioners shall hold a public hearing to review and establish the fire district service charges for the subsequent year.

All resolutions imposing or changing ~~((such))~~ the service charges shall be filed with the county treasurer, together with the record of each public hearing, before October 31 immediately preceding the year in which the service charges are to be collected on behalf of the district.

Sec. 7. Section 7, chapter 126, Laws of 1974 ex. sess. and RCW 52.18.070 are each amended to read as follows:

From the fifteenth to the thirtieth day of November of each year, the board of fire commissioners of ~~((any))~~ a fire protection district imposing a service charge ~~((pursuant to the provisions of))~~ under this chapter shall form a review board and shall, upon complaint in writing of ~~((any))~~ a party aggrieved owning property in ~~((such))~~ the district, reduce the charge of ~~((such))~~ a person who, in their opinion, has been charged too large a sum, to ~~((such))~~ a sum or amount as they believe to be the true, fair, and just amount.

Sec. 8. Section 8, chapter 126, Laws of 1974 ex. sess. and RCW 52.18.080 are each amended to read as follows:

The Washington fire commissioners association, as soon as practicable, ~~((and with the assistance of the appropriate association of county prosecutors))~~ shall draft a model resolution ~~((for the imposition of))~~ to impose the fire protection district service charge authorized by this chapter and may provide assistance to fire protection districts in the establishment of a program to develop service charges.

NEW SECTION. Sec. 9. A new section is added to chapter 52.18 RCW to read as follows:

A fire protection district that imposes a service charge under this chapter shall not impose all or part of the property tax authorized under RCW 52.16.160."

On motion of Senator Halsan, the following title amendment was adopted:

On page 1, line 1 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 52.18.010, 52.18.020, 52.18.030, 52.18.040, 52.18.050, 52.18.060, 52.18.070, and 52.18.080; and adding a new section to chapter 52.18 RCW."

#### MOTION

On motion of Senator Halsan, the rules were suspended, Engrossed Substitute House Bill No. 168, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Halsan, at the time of the proposition, as I understand it, they can levy this service charge for six years and then an excess levy for three years in this proposal, but the excess levy can go for six years. Is that correct? That still remains?"

Senator Halsan: "I believe so. I don't believe it changes current law in regards to that."

Senator Rasmussen: "Now, at the time that this goes on the ballot for approval by the people in the fire districts, is it the intent that it would be spelled out exactly how the service charge will be assessed for each piece of property?"

Senator Halsan: "I don't think the bill addresses the levy being for the excess service charges. These are for the amounts of fire protection that are relative to the particular properties that are involved that need extra protection."

Senator Rasmussen: "So, the people will not have a chance to vote on the way that the service charge is assessed on them?"

Senator Halsan: "The imposition of the service charge goes to, in fact, lower the needs of the general public in the area for paying for the services provided for these major risks that they would otherwise have to cover, because the major risks would not be supporting their own services."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 168, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 168, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; nays, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senators Craswell, Rasmussen - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 168, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 186, by Committee on Local Government (originally sponsored by Representatives Haugen, Brough, Nutley, May, Hine, L. Smith, Zellinsky, Braddock and Crane)

Raising amounts over which public contracts must be sent out for competitive bids.

The bill was read the second time.

#### MOTION

On motion of Senator Halsan, the rules were suspended, Engrossed Substitute House Bill No. 186 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 186.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 186 and the bill passed the Senate by the following vote: Yeas, 45; nays, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Smitherman, Talmadge, Tanner, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senators McCaslin, Saling, Stratton, West - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 186, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Newhouse, Senator Saling was excused.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 232, by Committee on Agriculture and Rural Development (originally sponsored by Representatives Rayburn and Nealey) (by request of Department of Ecology)

Prohibiting the relinquishment of water rights attached to lands enrolled in certain federal conservation reserve programs.

The bill was read the second time.

## MOTION

On motion of Senator Hansen, the rules were suspended, Substitute House Bill No. 232 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 232.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 232 and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Cantu, McDonald - 2.

Excused: Senator Saling - 1.

SUBSTITUTE HOUSE BILL NO. 232, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 353, by Committee on Agriculture and Rural Development (originally sponsored by Representatives Rayburn, Nealey, Kremen, Rasmussen and Doty) (by request of Department of Agriculture)

Modifying provisions relating to the department of agriculture.

The bill was read the second time.

## MOTION

On motion of Senator Hansen, the following Committee on Agriculture amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 15.04.040, chapter 11, Laws of 1961 as amended by section 11, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 15.04.040 are each amended to read as follows:

Inspectors-at-large shall pass such an examination by the director as will satisfy him they are qualified in knowledge and experience to carry on the work in the districts to which they

are assigned. They shall be assigned to a horticultural inspection district and may be transferred from one district to another. Their salaries and travel expenses, as shown by vouchers verified by them and countersigned by the director, shall be paid by warrants drawn upon the state treasurer, horticultural inspection district funds, the horticultural inspection trust fund, or from county appropriations (~~(- PROVIDED: That not less than twenty-five percent of their total salary shall be paid by warrants drawn upon the state treasurer. Such travel expenses shall be reimbursed in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended)~~).

Sec. 2. Section 15.04.100, chapter 11, Laws of 1961 as last amended by section 1, chapter 203, Laws of 1986 and RCW 15.04.100 are each amended to read as follows:

The director shall establish a horticulture inspection trust fund to be derived from horticulture inspection district funds. The director shall adjust district payments so that the balance in the trust fund shall not exceed three hundred thousand dollars. The director is authorized to make payments from the trust fund to:

(1) Pay fees and expenses provided in the inspection agreement between the state department of agriculture and the agricultural marketing service of the United States department of agriculture;

(2) ~~((Pay portions of salaries of inspectors at large as provided under RCW 15.04.040;~~

~~((3)))~~ Assist horticulture inspection districts in temporary financial distress as result of less than normal production of horticultural commodities: PROVIDED, That districts receiving such assistance shall make repayment to the trust fund as district funds shall permit;

~~((4)))~~ (3) Pay necessary administrative expenses for the commodity inspection division attributable to the supervision of the horticulture inspection services.

Sec. 3. Section 15.24.070, chapter 11, Laws of 1961 as last amended by section 3, chapter 203, Laws of 1986 and RCW 15.24.070 are each amended to read as follows:

The Washington state apple advertising commission is hereby declared and created a corporate body. The powers and duties of the commission shall include the following:

(1) To elect a chairman and such other officers as it deems advisable; and to adopt, rescind, and amend rules, regulations, and orders for the exercise of its powers hereunder, which shall have the force and effect of the law when not inconsistent with existing laws;

(2) To administer and enforce the provisions of this chapter, and do all things reasonably necessary to effectuate the purposes of this chapter;

(3) To employ and at its pleasure discharge a manager, secretary, agents, attorneys, and employees as it deems necessary, and to prescribe their duties and powers and fix their compensation;

(4) To establish offices and incur expense and enter into contracts and to create such liabilities as may be reasonable for the proper administration and enforcement of this chapter;

(5) To investigate and prosecute violations hereof;

(6) To conduct scientific research to develop and discover the health, food, therapeutic, and dietetic value of apples and products thereof;

(7) To keep accurate record of all of its dealings, which shall be open to inspection and audit by the state auditor;

(8) To sue and be sued, adopt a corporate seal, and have all of the powers of a corporation: ~~((and))~~

(9) To expend funds for commodity-related education, training, and leadership programs as the commission deems expedient; and

(10) To borrow money and incur indebtedness.

Sec. 4. Section 15.24.190, chapter 11, Laws of 1961 and RCW 15.24.190 are each amended to read as follows:

~~((The state shall not be liable for the acts of the commission or on its contracts. No member of the commission or any employee or agent thereof shall be liable on its contracts. All liabilities incurred by the commission shall be payable only from the funds collected hereunder.))~~

Obligations incurred by the commission and any other liabilities or claims against the commission shall be enforced only against the assets of the commission, and no liability for the debts or actions of the commission exists against either the state of Washington or any subdivision or instrumentality thereof, or against any member, employee, or agent of the commission in his or her individual capacity. Except as otherwise provided in this chapter, neither the members of the commission nor its employees may be held individually responsible for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person, or employee, save for their own individual acts of dishonesty or crime. No such person or employee may be held responsible individually for any act or omission of any other member of the commission. The liability of the members of the commission shall be several and not joint, and no member is liable for the default of any other member.

Sec. 5. Section 7, chapter 256, Laws of 1961 as last amended by section 2, chapter 261, Laws of 1985 and RCW 15.65.070 are each amended to read as follows:

The director shall publish notice of any hearing called for the purpose of considering and acting upon any proposal for a period of not less than two days in ~~((a newspaper of general circulation in Olympia and such other))~~ one or more newspapers of general circulation as the

director may prescribe. No such public hearing shall be held prior to five days after the last day of such period of publication. Such notice shall set forth the date, time and place of said hearing, the agricultural commodity and the area covered by such proposal; a concise statement of the proposal; a concise statement of each additional subject upon which the director will hear evidence and make a determination, and a statement that, and the address where, copies of the proposal may be obtained. The director shall also mail a copy of such notice to all producers and handlers within the affected area who may be directly affected by such proposal and whose names and addresses appear, on the day next preceding the day on which such notice is published, upon lists of such persons then on file in the department.

Sec. 6. Section 17, chapter 256, Laws of 1961 and RCW 15.65.170 are each amended to read as follows:

If the director determines that the requisite assent has been given he shall issue and put any order or amendment thereto into force, whereupon each and every provision thereof shall have the force of law. Issuance shall be accomplished by publication of a notice for one day in a newspaper of general circulation (~~(in Olympia and)~~) in the affected area (~~(of)~~). The notice (stating) shall state that the order has been issued and put into force and where copies of such order may be obtained. If the director determines that the requisite assent has not been given no further action shall be taken by the director upon the proposal, and the order contained in the final decision shall be without force or effect.

Sec. 7. Section 25, chapter 256, Laws of 1961 as last amended by section 9, chapter 261, Laws of 1985 and RCW 15.65.250 are each amended to read as follows:

For the purpose of nominating candidates to be voted upon for election to such board memberships, the director shall call separate meetings of the affected producers and handlers within the affected area and in case elections shall be by districts he shall call separate meetings for each district. However, at the inception any marketing agreement or order nominations may be at the issuance hearing. Nomination meetings shall be called annually and at least thirty days in advance of the date set for the election of board members. Notice of every such meeting shall be published in a newspaper of general circulation within the affected area defined in the order or agreement not less than ten days in advance of the date of such meeting and in addition, written notice of every such meeting shall be given to all affected producers and/or handlers according to the list thereof maintained by the director pursuant to RCW 15.65.200. However, if the agreement or order provides for election by districts such written notice need be given only to the producers or handlers residing in or whose principal place of business is within such district. Nonreceipt of notice by any interested person shall not invalidate proceedings at such meetings. Any qualified person may be nominated orally for membership upon such board at the said meetings. Nominations may also be made within five days after any such meeting by written petition filed with the director signed by not less than five producers or handlers, as the case may be, entitled to have participated in said meeting.

If the board moves and the director approves that the nomination meeting procedure be deleted, the director shall give notice of the vacancy by mail to all affected producers or handlers. The notice shall call for nominations in accordance with the marketing order and shall give the final date for filing nominations which shall not be less than twenty days after the notice was mailed.

When only one nominee is nominated for any position on the board the director shall deem that said nominee satisfies the requirements of the position and then it shall be deemed that said nominee has been duly elected.

Sec. 8. Section 47, chapter 256, Laws of 1961 and RCW 15.65.470 are each amended to read as follows:

(The marketing act revolving fund shall be deposited in such banks and financial institutions as) The director or his or her designee (may select throughout the state which shall give to the director or his designee surety bonds executed by surety companies authorized to do business in the state, or collateral eligible as security for deposit of state funds, in at least the full amount of the deposit in each such bank or financial institution) shall designate financial institutions which are qualified public depositories under chapter 39.58 RCW as depository or depositories of money received for the marketing act revolving fund. All moneys received by the director or his or her designee or by any administrator, board or employee, except an amount of petty cash for each day's needs as fixed by the regulations, shall be deposited each day (and as often during the day as advisable,) in (the authorized depository) a designated depository.

Sec. 9. Section 39, chapter 256, Laws of 1961 as amended by section 13, chapter 261, Laws of 1985 and RCW 15.65.390 are each amended to read as follows:

There is hereby levied, and the director or his designee shall collect, upon each and every affected unit of any agricultural commodity specified in any marketing agreement or order an annual assessment which shall be paid by the producer thereof upon each and every such affected unit stored in frozen condition or sold or marketed or delivered for sale or marketed by him, and which shall be paid by the handler thereof upon each and every such unit purchased or received for sale, processing or distribution, or stored in frozen condition, by him:

PROVIDED, That such assessment shall be paid by producers only, if only producers are regulated by such agreement or order, and by handlers only, if only handlers are so regulated, and by both producers and handlers if both are so regulated. Such assessments shall be expressed as a stated amount of money per unit or as a percentage of the receipt price at the first point of sale. The total amount of such annual assessment to be paid by all producers of such commodity, or by all handlers of such commodity shall not exceed four percent of the total market value of all affected units stored in frozen condition or sold or marketed or delivered for sale or marketing by all producers of such units during the year to which the assessment applies. ~~((However, the total amount of such annual assessment upon producers, or handlers, or both producers and handlers, of the below listed commodities shall not exceed the amounts per unit or the percentage of selling price stated after the names of the respective commodities below:~~

~~(1) Wheat, maximum, one quarter cent per bushel;))~~

Sec. 10. Section 40, chapter 256, Laws of 1961 and RCW 15.65.400 are each amended to read as follows:

In every marketing agreement and order the director shall prescribe the ~~((per unit))~~ rate of such assessment ~~((and)).~~ Such assessment shall be expressed as a stated amount of money per unit or as a percentage of the receipt price at the first point of sale. Such rate may be at the full amount of, or at any lesser amount than the amount hereinabove limited. Such rate may be altered or amended from time to time, but only upon compliance with the procedural requirements of this chapter. In every such marketing agreement, order and amendment the director shall base his determination of such rate upon the volume and price of sales of affected units (or units which would have been affected units had the agreement or order been in effect) during a period which the director determines to be a representative period. The ~~((per unit))~~ rate of assessment prescribed in any such agreement, order or amendment shall for all purposes and times be deemed to be within the limits of assessment above provided until such time as such agreement or order is amended as to such rate.

Sec. 11. Section 11, chapter 133, Laws of 1969 as last amended by section 2, chapter 190, Laws of 1986 and RCW 16.67.120 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, there is hereby levied an assessment of fifty cents per head on all Washington cattle sold in this state or elsewhere to be paid by the seller at the time of sale: PROVIDED, That if the assessment levied pursuant to this section is greater than one percent of the sales price, the animal is exempt from the assessment unless the federal order implementing the national beef promotion and research program establishes an assessment on these animals: PROVIDED FURTHER, That if such sale is accompanied by a brand inspection by the department such assessment shall be collected at the same time, place and in the same manner as brand inspection fees. Such fees shall be collected by the livestock services division of the department and transmitted to the commission: PROVIDED FURTHER, That, if such sale is made without a brand inspection by the department the assessment shall be paid by the seller and transmitted directly to the commission not later than thirty days following the sale.

(2) While the federal order implementing the national beef promotion and research program is in effect, the assessment to be levied and the procedures for its collection shall be as required by the federal order and as described by rules adopted by the commission.

NEW SECTION, Sec. 12. A new section is added to chapter 15.86 RCW to read as follows:

The director may adopt rules establishing a certification program for producers of organic food. The rules may govern, but are not limited to governing: The number and scheduling of on-farm visits, both announced and unannounced, by certification personnel; recordkeeping requirements; and the submission of product samples for chemical analysis. The rules shall include a fee schedule that will provide for the recovery of the full cost of the certification program. Fees collected under this section shall be deposited in an account within the agricultural local fund and the revenue from such fees shall be used solely for carrying out the provisions of this section, and no appropriation is required for disbursement from the fund. The director may employ such personnel as are necessary to carry out the provisions of this section.

Sec. 13. Section 4, chapter 139, Laws of 1959 as last amended by section 3, chapter 305, Laws of 1983 and RCW 20.01.040 are each amended to read as follows:

No person may act as a commission merchant, dealer, broker, cash buyer, agent, or boom loader without a license. Any person applying for such a license shall file an application with the director on or before January 1st of each year. The application shall be accompanied by ~~((the following license fee:~~

~~(1) Commission merchant, one hundred forty-five dollars;~~

~~(2) Dealer, one hundred forty-five dollars;~~

~~(3) Limited dealer, one hundred dollars;~~

~~(4) Broker, one hundred dollars;~~

~~(5) Cash buyer, forty dollars;~~

~~(6) Agent, fifteen dollars;~~

~~(7) Boom loader, ten dollars;))~~ a license fee as prescribed by the director by rule.

Sec. 14. Section 27, chapter 297, Laws of 1981 and RCW 43.23.200 are each amended to read as follows:

The ~~((dean of the college of fisheries of the University of Washington and the dean's appointed laboratory director;))~~ chief chemist of the department of agriculture dairy and food laboratory and the chief chemist of the department of agriculture ~~((chemistry))~~ chemical and hop laboratory shall be the official chemists of the department of agriculture. Official chemists of the department shall provide laboratory services and analyze all substances that the director of agriculture may send to them and report to the director without unnecessary delay the results of any analysis so made. When called upon by the director, they or any of the additional chemists provided for pursuant to RCW 43.23.205 shall assist in any prosecution for the violation of any law enforced by the department. ~~((The dean of the college of fisheries of the University of Washington and the dean's appointed laboratory director shall provide such laboratory services without additional compensation other than their expenses incurred in the performance of such work;))~~

Sec. 15. Section 9-307, chapter 157, Laws of 1965 ex. sess. as last amended by section 13, chapter 412, Laws of 1985 and RCW 62A.9-307 are each amended to read as follows:

(1) A buyer in ordinary course of business (subsection (9) of RCW 62A.1-201) other than a person buying farm products from a person engaged in farming operations takes free of a security interest created by his seller even though the security interest is perfected and even though the buyer knows of its existence.

(2) In the case of consumer goods, a buyer takes free of a security interest even though perfected if he buys without knowledge of the security interest, for value and for his own personal, family or household purposes unless prior to the purchase the secured party has filed a financing statement covering such goods.

(3) A buyer other than a buyer in ordinary course of business (subsection (1) of this section) takes free of a security interest to the extent that it secures future advances made after the secured party acquires knowledge of the purchase, unless made pursuant to a commitment entered into without knowledge of the purchase.

~~((4) Notwithstanding subsection (1) of this section, any person registered under the Federal Packers and Stockyard Act, 7 U.S.C. 181, who sells livestock for another for a fee or commission or who purchases livestock or livestock byproducts with the intent to resell takes free of a security interest created by the seller, even though the security interest is perfected, when such person is without knowledge of the security interest. For the purposes of this subsection, a person has "knowledge" if:~~

~~(a) Notice is furnished by the seller as provided in RCW 16.57.240; or~~

~~(b) A statement of the security interest is filed pursuant to chapter 16.59 RCW;))~~

Sec. 16. Section 28, chapter 201, Laws of 1975 1st ex. sess. and RCW 69.25.270 are each amended to read as follows:

Every egg handler or dealer who pays assessments required under the provisions of this chapter on a monthly basis in lieu of seals shall be subject to audit by the director ~~((on an annual basis or more frequently if necessary))~~ at such frequency as is deemed necessary by the director. The cost to the director for performing such audit shall be chargeable to and payable by the egg handler or dealer subject to audit. Failure to pay assessments when due or refusal to pay for audit costs may be cause for a summary suspension of an egg handler's or dealer's license and a charge of one percent per month, or fraction thereof shall be added to the sum due the director, for each remittance not received by the director when due. The conditions and charges applicable to egg handlers and dealers set forth herein shall also be applicable to payments due the director for facsimiles of seals placed on egg containers.

Sec. 17. Section 4, chapter 124, Laws of 1963 as last amended by section 20, chapter 305, Laws of 1983 and RCW 22.09.040 are each amended to read as follows:

Application for a license to operate a warehouse under the provisions of this chapter shall be on a form prescribed by the department and shall include:

(1) The full name of the person applying for the license and whether the applicant is an individual, partnership, association, corporation, or other entity;

(2) The full name of each member of the firm or partnership, or the names of the officers of the company, society, cooperative association, or corporation;

(3) The principal business address of the applicant in the state and elsewhere;

(4) The name or names of the person or persons authorized to receive and accept service of summons and legal notices of all kinds for the applicant;

(5) Whether the applicant has also applied for or has been issued a grain dealer license under the provisions of this chapter;

(6) The location of each warehouse the applicant intends to operate and the location of the headquarters or main office of the applicant;

(7) The bushel storage capacity of each such warehouse to be licensed;

(8) The schedule of fees to be charged at each warehouse for the handling, conditioning, storage, and shipment of all commodities during the licensing period;

(9) A financial statement to determine the net worth of the applicant to determine whether or not the applicant meets the minimum net worth requirements established by the director

pursuant to chapter 34.04 RCW. All financial statement information required by this subsection shall be confidential information not subject to public disclosure:

(10) Whether the application is for a terminal, subterminal, or country warehouse license;

(11) Whether the applicant has previously been denied a grain dealer or warehouseman license or whether the applicant has had either license suspended or revoked by the department;

(12) Any other reasonable information the department finds necessary to carry out the purpose and provisions of this chapter.

Sec. 18. Section 21, chapter 305, Laws of 1983 and RCW 22.09.045 are each amended to read as follows:

Application for a license to operate as a grain dealer under the provisions of this chapter shall be on a form prescribed by the department and shall include:

(1) The full name of the person applying for the license and whether the applicant is an individual, partnership, association, corporation, or other entity;

(2) The full name of each member of the firm or partnership, or the names of the officers of the company, society, cooperative association, or corporation;

(3) The principal business address of the applicant in the state and elsewhere;

(4) The name or names of the person or persons in this state authorized to receive and accept service of summons and legal notices of all kinds for the applicant;

(5) Whether the applicant has also applied for or has been issued a warehouse license under this chapter;

(6) The location of each business location from which the applicant intends to operate as a grain dealer in the state of Washington whether or not the business location is physically within the state of Washington, and the location of the headquarters or main office of the application;

(7) A financial statement to determine the net worth of the applicant to determine whether or not the applicant meets the minimum net worth requirements established by the director under chapter 34.04 RCW. However, if the applicant is a subsidiary of a larger company, corporation, society, or cooperative association, both the parent company and the subsidiary company must submit a financial statement to determine whether or not the applicant meets the minimum net worth requirements established by the director under chapter 34.04 RCW. All financial statement information required by this subsection shall be confidential information not subject to public disclosure:

(8) Whether the applicant has previously been denied a grain dealer or warehouseman license or whether the applicant has had either license suspended or revoked by the department;

(9) Any other reasonable information the department finds necessary to carry out the purpose and provisions of this chapter.

Sec. 19. Section 16, chapter 305, Laws of 1983 and RCW 22.09.011 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of the department or his duly authorized representative.

(3) "Person" means a natural person, individual, firm, partnership, corporation, company, society, association, cooperative, two or more persons having a joint or common interest, or any unit or agency of local, state, or federal government.

(4) "Agricultural commodities," hereinafter referred to as "commodities," means, but is not limited to, all the grains, peas, beans, lentils, corn, sorghums, malt, peanuts, flax, and other similar agricultural products.

(5) "Warehouse," also referred to as a public warehouse, means any elevator, mill, subterminal grain warehouse, terminal warehouse, country warehouse, or other structure or enclosure located in this state that is used or useable for the storage of agricultural products, and in which commodities are received from the public for storage, handling, conditioning, or shipment for compensation. The term does not include any warehouse storing or handling fresh fruits and/or vegetables, any warehouse used exclusively for cold storage, or any warehouse that conditions yearly less than three hundred tons of an agricultural commodity for compensation.

(6) "Terminal warehouse" means any warehouse designated as a terminal by the department, and located at an inspection point where inspection facilities are maintained by the department and where commodities are ordinarily received and shipped by common carrier.

(7) "Subterminal warehouse" means any warehouse that performs an intermediate function in which agricultural commodities are customarily received from dealers rather than producers and where the commodities are accumulated before shipment to a terminal warehouse.

(8) "Station" means two or more warehouses between which commodities are commonly transferred in the ordinary course of business and that are (a) immediately adjacent to each other, or (b) located within the corporate limits of any city or town and subject to the same transportation tariff zone, or (c) at any railroad siding or switching area and subject to the

same transportation tariff zone, or (d) at one location in the open country off rail, or (e) in any area that can be reasonably audited by the department as a station under this chapter and that has been established as such by the director by rule adopted under chapter 34.04 RCW, or (f) within twenty miles of each other but separated by the border between Washington and Idaho or Oregon when the books and records for the station are maintained at the warehouse located in Washington.

(9) "Inspection point" means a city, town, or other place wherein the department maintains inspection and weighing facilities.

(10) "Warehouseman" means any person owning, operating, or controlling a warehouse in the state of Washington.

(11) "Depositor" means (a) any person who deposits a commodity with a Washington state licensed warehouseman for storage, handling, conditioning, or shipment, or (b) any person who is the owner or legal holder of a warehouse receipt, outstanding scale weight ticket, or other evidence of the deposit of a commodity with a Washington state licensed warehouseman or (c) any producer whose agricultural commodity has been sold to a grain dealer through the dealer's place of business located in the state of Washington, or any Washington producer whose agricultural commodity has been sold to or is under the control of a grain dealer, ~~((which dealer has negotiated the sale of the commodity or has control of the commodity in the))~~ whose place of business is located outside the state of Washington.

(12) "Historical depositor" means any person who in the normal course of business operations has consistently made deposits in the same warehouse of commodities produced on the same land. In addition the purchaser, lessee, and/or inheritor of such land from the original historical depositor with reference to the land shall be considered a historical depositor with regard to the commodities produced on the land.

(13) "Grain dealer" means any person who, through his place of business located in the state of Washington, solicits, contracts for, or obtains from a producer, title, possession, or control of any agricultural commodity for purposes of resale, or any person who solicits, contracts for, or obtains from a Washington producer, title, possession, or control of any agricultural commodity for purposes of resale.

(14) "Producer" means any person who is the owner, tenant, or operator of land who has an interest in and is entitled to receive all or any part of the proceeds from the sale of a commodity produced on that land.

(15) "Warehouse receipt" means a negotiable or nonnegotiable warehouse receipt as provided for in Article 7 of Title 62A RCW.

(16) "Scale weight ticket" means a load slip or other evidence of deposit, serially numbered, not including warehouse receipts as defined in subsection (15) of this section, given a depositor on request upon initial delivery of the commodity to the warehouse and showing the warehouse's name and state number, type of commodity, weight thereof, name of depositor, and the date delivered.

(17) "Put through" means agricultural commodities that are deposited in a warehouse for receiving, handling, conditioning, or shipping, and on which the depositor has concluded satisfactory arrangements with the warehouseman for the immediate or impending shipment of the commodity.

(18) "Conditioning" means, but is not limited to, the drying or cleaning of agricultural commodities.

(19) "Deferred price contract" means a contract for the sale of commodities that conveys the title and all rights of ownership to the commodities represented by the contract to the buyer, but allows the seller to set the price of the commodities at a later date based on an agreed upon relationship to a future month's price or some other mutually agreeable method of price determination. Deferred price contracts include but are not limited to those contracts commonly referred to as delayed price, price later contracts, or open price contracts.

(20) "Shortage" means that a warehouseman does not have in his possession sufficient commodities at each of his stations to cover the outstanding warehouse receipts, scale weight tickets, or other evidence of storage liability issued or assumed by him for the station.

(21) "Failure" means:

(a) An inability to financially satisfy claimants in accordance with this chapter and the time limits provided for in it;

(b) A public declaration of insolvency;

(c) A revocation of license and the leaving of an outstanding indebtedness to a depositor;

(d) A failure to redeliver any commodity to a depositor or to pay depositors for commodities purchased by a licensee in the ordinary course of business and where a bona fide dispute does not exist between the licensee and the depositor;

(e) A failure to make application for license renewal within sixty days after the annual license renewal date; or

(f) A denial of the application for a license renewal.

Sec. 20. Section 47, chapter 305, Laws of 1983 and RCW 22.09.345 are each amended to read as follows:

(1) The department may give written notice to the warehouseman or grain dealer to submit to inspection, and/or furnish required reports, documents, or other requested information, under such conditions and at such time as the department may deem necessary whenever a warehouseman or grain dealer fails to:

- (a) Submit his books, papers, or property to lawful inspection or audit;
- (b) Submit required reports or documents to the department by their due date; or
- (c) Furnish the department with requested information, including but not limited to correction notices.

(2) If the warehouseman or grain dealer fails to comply with the terms of the notice within twenty-four hours from the date of its issuance, or within such further time as the department may allow, the department shall levy a fine of fifty dollars per day from the final date for compliance allowed by this section or the department. In those cases where the failure to comply continues for more than thirty days or where the director determines the failure to comply creates a threat of loss to depositors, the department may, in lieu of levying further fines petition the superior court of the county where the licensee's principal place of business in Washington is located, as shown by the license application, for an order:

(a) Authorizing the department to seize and take possession of all books, papers, and property of all kinds used in connection with the conduct or the operation of the warehouseman's or grain dealer's business, and the books, papers, records, and property that pertain specifically, exclusively, and directly to that business; and

(b) Enjoining the warehouseman or grain dealer from interfering with the department in the discharge of its duties as required by this chapter.

(3) All necessary costs and expenses, including attorneys' fees, incurred by the department in carrying out the provisions of this section may be recovered at the same time and as part of the action filed under this section.

Sec. 21. Section 50, chapter 305, Laws of 1983 and RCW 22.09.371 are each amended to read as follows:

(1) When a depositor stores a commodity with a warehouseman or sells a commodity to a grain dealer, the depositor has a first priority statutory lien on the commodity or the proceeds therefrom or on commodities owned by the warehouseman or grain dealer if the depositor has written evidence of ownership disclosing a storage obligation or written evidence of sale. The lien arises at the time the title is transferred from the depositor to the warehouseman or grain dealer, or if the commodity is under a storage obligation, the lien arises at the commencement of the storage obligation. The lien terminates when the liability of the warehouseman or grain dealer to the depositor terminates or if the depositor sells his commodity to the warehouseman or grain dealer, then thirty days after the ~~((time of the sale))~~ date title passes. If, however, the depositor is tendered payment by check or draft, then the lien shall not terminate until forty days after the ~~((time of sale))~~ date title passes.

(2) The lien created under this section shall be preferred to any lien or security interest in favor of any creditor of the warehouseman or grain dealer, regardless of whether the creditor's lien or security interest attached to the commodity or proceeds before or after the date on which the depositor's lien attached under subsection (1) of this section.

(3) A depositor who claims a lien under subsection (1) of this section need not file any notice of the lien in order to perfect the lien. If, however, the depositor is not paid per the terms of the contract, they must notify the department within ten days of default.

(4) The lien created by subsection (1) of this section is discharged, except as to the proceeds therefrom and except as to commodities owned by the warehouseman or grain dealer, upon sale of the commodity by the warehouseman or grain dealer to a buyer in the ordinary course of business.

Sec. 22. Section 52, chapter 305, Laws of 1983 and RCW 22.09.391 are each amended to read as follows:

Upon the failure of a grain dealer or warehouseman, the statutory lien created in RCW 22.09.371 shall be liquidated by the department to satisfy the claims of depositors in the following manner:

(1) The department shall take possession of all commodities in the warehouse, including those owned by the warehouseman or grain dealer, and those that are under warehouse receipts or any written evidence of ownership that discloses a storage obligation by a failed warehouseman, including but not limited to scale weight tickets, settlement sheets, and ledger cards. These commodities shall be distributed or sold and the proceeds distributed to satisfy the outstanding warehouse receipts or other written evidences of ownership. If a shortage exists, the department shall distribute the commodities or the proceeds from the sale of the commodities on a prorated basis to the depositors. To the extent the commodities or the proceeds from their sale are inadequate to satisfy the claims of depositors with evidence of storage obligations, the depositors have a first priority lien against any proceeds received from commodities sold while under a storage obligation or against any commodities owned by the failed warehouseman or grain dealer.

(2) Depositors possessing written evidence of the sale of a commodity to the failed warehouseman or grain dealer, including but not limited to scale weight tickets, settlement sheets,

deferred price contracts, or similar commodity delivery contracts, who have completed delivery and (~~pricing~~) passed title during a thirty-day period immediately before the failure of the failed warehouseman or grain dealer have a second priority lien against the commodity, the proceeds of the sale, or warehouse-owned or grain dealer-owned commodities. If the commodity, commodity proceeds, or warehouse-owned or grain dealer-owned commodities are insufficient to wholly satisfy the claim of depositors possessing written evidence of the sale of the commodity to the failed warehouseman or grain dealer, each depositor shall receive a pro rata share thereof.

(3) Upon the satisfaction of the claims of depositors qualifying for first or second priority treatment, all other depositors possessing written evidence of the sale of the commodity to the failed warehouseman or grain dealer have a third priority lien against the commodity, the proceeds of the sale, or warehouse-owned or grain dealer-owned commodities. If the commodities, commodity proceeds, or warehouse-owned or grain dealer-owned commodities are insufficient to wholly satisfy these claims, each depositor shall receive a pro rata share thereof.

(4) The director of agriculture may represent depositors whom, under RCW 22.09.381, the director has determined have claims against the failed warehouseman or failed grain dealer in any action brought to enjoin or otherwise contest the distributions made by the director under this section.

Sec. 23. Section 52, chapter 124, Laws of 1963 and RCW 22.09.520 are each amended to read as follows:

Whenever any commodity shall be delivered to a warehouse under this chapter, and the scale ticket or warehouse receipt issued therefor provides for the return of a like amount of like kind, grade, and class to the holder thereof, such delivery shall be a bailment and not a sale of the commodity so delivered. In no case shall such commodities be liable to seizure upon process of any court in an action against such bailee, except action by the legal holder of the warehouse receipt to enforce the terms thereof. Such commodities, in the event of failure or insolvency of such bailee, shall be applied exclusively to the redemption of such outstanding warehouse receipts and scale weight tickets covering commodities so stored with such bailee. The commodities on hand in any warehouse or warehouses with a particular license, as provided in RCW 22.09.030, shall be applied to the redemption and satisfaction of warehouse receipts and scale weight tickets which were issued pursuant to the particular license. Commodities in special piles or special bins shall be applied exclusively against the warehouse receipts or scale weight tickets issued therefor.

NEW SECTION. Sec. 24. A new section is added to chapter 22.09 RCW to read as follows:

Every person who fails to comply with this chapter, or any rule adopted under it, may be subjected to a civil penalty, as determined by the director, in an amount of not more than one thousand dollars for every such violation. Each and every violation shall be a separate and distinct offense. Every person who, through an act of commission or omission, procures, aids, or abets in the violation shall be considered to have violated this chapter and may be subject to the penalty provided for in this section.

NEW SECTION. Sec. 25. A new section is added to chapter 69.04 RCW to read as follows:

All retail sales of fresh or frozen lamb products which are imported from another country shall be labelled with the country of origin. For the purposes of this section "imported lamb products" shall include but not be limited to, live lambs imported from another country but slaughtered in the United States.

NEW SECTION. Sec. 26. A new section is added to chapter 15.04 RCW to read as follows:

The department of agriculture is authorized to develop, in cooperation with Washington State University and other state agencies, an informational guide to programs offered by state and federal agencies which would be of assistance to farm families. The informational guide shall be made available to farmers and ranchers through county extension offices, farm organizations, and other appropriate means.

NEW SECTION. Sec. 27. The following acts or parts of acts are each repealed:

- (1) Section 14, chapter 412, Laws of 1985 and RCW 16.59.010;
- (2) Section 15, chapter 412, Laws of 1985 and RCW 16.59.020;
- (3) Section 17, chapter 412, Laws of 1985 and RCW 16.59.030;
- (4) Section 18, chapter 412, Laws of 1985 and RCW 16.59.040;
- (5) Section 16, chapter 412, Laws of 1985 and RCW 16.59.050;
- (6) Section 19, chapter 412, Laws of 1985 and RCW 16.59.060;
- (7) Section 20, chapter 412, Laws of 1985 and RCW 16.59.070; and
- (8) Section 24, chapter 412, Laws of 1985 and RCW 16.59.900.

NEW SECTION. Sec. 28. Sections 15 and 27 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Hansen, the following title amendment was adopted:

On page 1, line 1 of the title, after "agriculture," strike the remainder of the title and insert "amending RCW 15.04.040, 15.04.100, 15.24.070, 15.24.190, 15.65.070, 15.65.170, 15.65.250, 15.65.470, 15.65.390, 15.65.400, 16.67.120, 20.01.040, 43.23.200, 62A.9-307, 69.25.270, 22.09.040, 22.09.045, 22.09.011, 22.09.345, 22.09.371, 22.09.391, and 22.09.520; adding a new section to chapter

15.04 RCW; adding a new section to chapter 15.86 RCW; adding a new section to chapter 22.09 RCW; adding a new section to chapter 69.04 RCW; repealing RCW 16.59.010, 16.59.020, 16.59.030, 16.59.040, 16.59.050, 16.59.060, 16.59.070, and 16.59.900; prescribing penalties; and declaring an emergency."

#### MOTION

On motion of Senator Hansen, the rules were suspended, Substitute House Bill No. 353, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 353, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 353, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Bluechel - 1.

Excused: Senator Saling - 1.

SUBSTITUTE HOUSE BILL NO. 353, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 373, by Committee on Agriculture and Rural Development (originally sponsored by Representatives Grant, Jacobsen, Nealey, Rayburn, Brooks, Kremen, Holm, Sutherland and Rasmussen)

Directing the department of community development to conduct rural development studies.

The bill was read the second time.

#### MOTION

Senator Williams moved that the following amendment be adopted:

On page 2, line 32, after "and the" strike "joint committee on telecommunications" and insert "senate and house committees on energy and utilities"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Williams.

The motion by Senator Williams carried and the amendment was adopted.

#### MOTION

On motion of Senator Hansen, the rules were suspended, Engrossed Substitute House Bill No. 373, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 373, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 373, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

Excused: Senator Saling - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 373, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGES FROM THE HOUSE

April 6, 1987

Mr. President:

The Speaker has signed SUBSTITUTE HOUSE BILL NO. 393, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 6, 1987

Mr. President:

The Speaker has signed SUBSTITUTE HOUSE BILL NO. 313, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 7, 1987

Mr. President:

The Speaker has signed:  
 SUBSTITUTE SENATE BILL NO. 5014,  
 SENATE BILL NO. 5019,  
 SUBSTITUTE SENATE BILL NO. 5046,  
 SENATE BILL NO. 5069,  
 SUBSTITUTE SENATE BILL NO. 5136,  
 SENATE BILL NO. 5138,  
 SENATE BILL NO. 5146,  
 SENATE BILL NO. 5149,  
 SUBSTITUTE SENATE BILL NO. 5196,  
 SENATE BILL NO. 5247,  
 SENATE BILL NO. 5277,  
 SENATE BILL NO. 5433,  
 SENATE BILL NO. 5523,  
 SUBSTITUTE SENATE BILL NO. 5565,  
 SUBSTITUTE SENATE BILL NO. 5581,  
 SUBSTITUTE SENATE BILL NO. 5763,  
 SENATE BILL NO. 6038, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 8, 1987

Mr. President:

The Speaker has signed:  
 SUBSTITUTE SENATE BILL NO. 5045,  
 SENATE BILL NO. 5105,  
 SUBSTITUTE SENATE BILL NO. 5144,  
 SUBSTITUTE SENATE BILL NO. 5170, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
 SUBSTITUTE HOUSE BILL NO. 313,  
 SUBSTITUTE HOUSE BILL NO. 393.

SIGNED BY THE PRESIDENT

The President signed:  
 SENATE BILL NO. 5062,  
 SENATE BILL NO. 5067,  
 SENATE BILL NO. 5148,  
 SUBSTITUTE SENATE BILL NO. 5155,  
 SENATE BILL NO. 5161,  
 SUBSTITUTE SENATE BILL NO. 5199,

SENATE BILL NO. 5204,  
 SENATE BILL NO. 5227,  
 SUBSTITUTE SENATE BILL NO. 5288,  
 SUBSTITUTE SENATE BILL NO. 5329,  
 SENATE BILL NO. 5381,  
 SENATE BILL NO. 5403,  
 SUBSTITUTE SENATE BILL NO. 5417,  
 SENATE BILL NO. 5418,  
 SENATE BILL NO. 5427,  
 SUBSTITUTE SENATE BILL NO. 5519,  
 SENATE BILL NO. 5536,  
 SUBSTITUTE SENATE BILL NO. 5598,  
 SENATE BILL NO. 5712,  
 SENATE JOINT MEMORIAL NO. 8006,  
 SENATE CONCURRENT RESOLUTION NO. 8408.

There being no objection, the President advanced the Senate to the sixth order of business.

#### SECOND READING

HOUSE BILL NO. 628, by Representatives Basich, Haugen, Hargrove, Kremen, Fisch, Vekich, Zellinsky, P. King and Holm

Exempting sales of diesel fuel used in commercial fishing vessels from sales and use tax.

The bill was read the second time.

#### MOTION

On motion of Senator McDermott, the rules were suspended, House Bill No. 628 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 628.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 628 and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Sellar - 1.

HOUSE BILL NO. 628, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 648, by Committee on Agriculture and Rural Development (originally sponsored by Representatives Bristow, Doty, Baugher, Rayburn, Grant, Chandler, Lewis, Jesernig, C. Smith, Sutherland, Brough, Unseald, Fuhrman and Todd)

Changing provisions relating to noxious weed control.

The bill was read the second time.

#### MOTION

On motion of Senator Hansen, the rules were suspended, Engrossed Substitute House Bill No. 648 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Hansen, I notice that our weed board in Pierce County--it says here there is a penalty here if you are raising weeds in your yard. That doesn't apply to the city, does it?"

Senator Hansen: "Would you say that over again, please?"

Senator Rasmussen: "Does the weed control where they can fine you for growing weeds in your back yard, does that extend to the city?"

Senator Hansen: "No, do you mean ornamental weeds? I don't know--they say marijuana is one of our best crops, so I don't know if this bill is getting into that variety or not."

Senator Rasmussen: "My question relates to other weeds. I can recognize marijuana."

Senator Hansen: "Can you recognize Tansey Ragwort?"

Senator Rasmussen: "Tansey Ragwort? I can recognize a dandelion, but I don't know what a Knappweed is."

Senator Hansen: "There are four categories of weeds. Your Tansey, your Knappweed, one thing and another. Then you go down the list, down to about Rule 4. When you get down there, I think that's where you run into the ones you eat for greens and things like that, so I think we are pretty well taken care of."

Senator Rasmussen: "Well, I have confidence in you since you found that marijuana on your river bank, but I don't know these other weeds and I am afraid--"

Senator Hansen: "You know, there are a lot of those weeds I don't recognize too, but I see that Knappweed coming from eastern Washington and when they got it down in Chehalis, you know it even made me feel kind of good to think that stuff will grow over here too."

Senator Rasmussen: "You've taken care of the Larkspur, Senator Hansen?"

Senator Hansen: "I would like to get the Larkspur along with it."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 648.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 648 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 648, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 734, by Committee on Judiciary (originally sponsored by Representatives Scott, Patrick, P. King, Schmidt, R. King, Brough, Crane, Kremen, Moyer, Doty, May, Padden, L. Smith and Todd)

Revising provisions regulating minor access to erotic materials.

The bill was read the second time.

## MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION.** Sec. 1. A new section is added to chapter 9.68A RCW to read as follows: For the purposes of sections 1 through 3 of this act:

- (1) "Minor" means any person under the age of eighteen years.
- (2) "Erotic materials" means any sexually explicit conduct as defined in RCW 9.68A.011.
- (3) "Live performance" means any play, show, skit, dance, or other exhibition performed or presented to, or before an audience of one or more, with or without consideration.

(4) "Person" means any individual, partnership, firm, association, corporation, or other legal entity.

NEW SECTION. Sec. 2. A new section is added to chapter 9.68A RCW to read as follows:

No person may knowingly allow a minor to be on the premises of a commercial establishment open to the public if there is a live performance containing matter which is erotic material.

NEW SECTION. Sec. 3. A new section is added to chapter 9.68A RCW to read as follows:

Any person who is convicted of violating any provision of section 2 of this act is guilty of a gross misdemeanor.

NEW SECTION. Sec. 4. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On motion of Senator Talmadge, the following title amendment was adopted:

On line 1 of the title, after "materials;" strike the remainder of the title and insert "adding new sections to chapter 9.68A RCW; and prescribing penalties."

#### MOTION

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 734, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 734, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 734, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE HOUSE BILL NO. 734, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1012, by Committee on Local Government (originally sponsored by Representatives Hargrove and Fisch)

Changing provisions relating to the annexation of areas by public utility districts.

The bill was read the second time.

#### MOTIONS

On motion of Senator Williams, the following Committee on Energy and Utilities amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 4, chapter 1, Laws of 1931 as last amended by section 37, chapter 126, Laws of 1979 ex. sess. and RCW 54.12.010 are each amended to read as follows:

Within ten days after such election, the county canvassing board shall canvass the returns, and if at such election a majority of the voters voting upon such proposition shall vote in favor of the formation of such district, the canvassing board shall so declare in its canvass of the returns of such election, and such public utility district shall then be and become a municipal corporation of the state of Washington, and the name of such public utility district shall be Public Utility District No. . . . . of . . . . . County. The powers of the public utility district shall be exercised through a commission consisting of three members in three commissioner districts, and five members in five commissioner districts. When the public utility district is coextensive with the limits of such county, then, at the first election of commissioners and until any change shall have been made in the boundaries of public utility district commissioner districts, one public utility district commissioner shall be chosen from each of the three county commissioner districts of the county in which the public utility district is located if the county is not operating under a "Home Rule" charter. When the public utility district comprises only a

portion of the county, with boundaries established in accordance with chapter 54.08 RCW, or when the public utility district is located in a county operating under a "Home Rule" charter, three public utility district commissioner districts, numbered consecutively, having approximately equal population and boundaries, following ward and precinct lines, as far as practicable, shall be described in the petition for the formation of the public utility district, which shall be subject to appropriate change by the county legislative authority if and when they change the boundaries of the proposed public utility district, and one commissioner shall be elected from each of said public utility district commissioner districts. In all five commissioner districts an additional commissioner at large shall be chosen from each of the two at large districts. No person shall be eligible to be elected to the office of public utility district commissioner for a particular district commissioner district unless he is a registered voter of the public utility district commissioner district or at large district from which he is elected.

Except as otherwise provided, the term of office of each public utility district commissioner other than the commissioners at large shall be six years, and the term of each commissioner at large shall be four years. Each term shall be computed in accordance with RCW 29.04.170 following the commissioner's election. One commissioner at large and one commissioner from a commissioner district shall be elected at each general election held in an even-numbered year for the term of four years and six years respectively. All candidates shall be voted upon by the entire public utility district.

When a public utility district is formed, three public utility district commissioners shall be elected at the same election at which the proposition is submitted to the voters as to whether such public utility district shall be formed. If the general election adopting the proposition to create the public utility district was held in an even-numbered year, the commissioner residing in commissioner district number one shall hold office for the term of six years; the commissioner residing in commissioner district number two shall hold office for the term of four years; and the commissioner residing in commissioner district number three shall hold office for the term of two years. If the general election adopting the proposition to create the public utility district was held in an odd-numbered year, the commissioner residing in commissioner district number one shall hold office for the term of five years, the commissioner in district two shall hold office for the term of three years, and the commissioner in district three shall hold office for the term of one year. The commissioners first to be elected as above provided shall hold office from the first day of the month following the commissioners' election and their respective terms of office shall be computed from the first day of January next following the election.

All public utility district commissioners shall hold office until their successors shall have been elected and have qualified and assume office in accordance with RCW 29.04.170. A filing for nomination for public utility district commissioner shall be accompanied by a petition signed by one hundred registered voters of the public utility district which shall be certified by the county auditor to contain the required number of registered voters, and shall otherwise be filed in accord with the requirements of RCW 29.21.060. At the time of filing such nominating petition, the person so nominated shall execute and file a declaration of candidacy subject to the provisions of RCW 29.21.060, as now or hereafter amended. The petition and each page of the petition shall state whether the nomination is for a commissioner from a particular commissioner district or for a commissioner at large and shall state the districts; otherwise it shall be void. A vacancy in the office of public utility district commissioner shall occur by death, resignation, removal, conviction of a felony, nonattendance at meetings of the public utility district commission for a period of sixty days unless excused by the public utility district commission, by any statutory disqualification, or by any permanent disability preventing the proper discharge of his duty. In the event of a vacancy in said office, such vacancy shall be filled at the next general election held in an even-numbered year, the vacancy in the interim to be filled by appointment by the remaining commissioners. If more than one vacancy exists at the same time in a three commissioner district, or more than two in a five commissioner district, a special election shall be called by the county canvassing board upon the request of the remainder, or, that failing, by the county election board, such election to be held not more than forty days after the occurring of such vacancies.

A majority of the persons holding the office of public utility district commissioner at any time shall constitute a quorum of the commission for the transaction of business, and the concurrence of a majority of the persons holding such office at the time shall be necessary and shall be sufficient for the passage of any resolution, but no business shall be transacted, except in usual and ordinary course, unless there are in office at least a majority of the full number of commissioners fixed by law.

The boundaries of the public utility district commissioners' district may be changed only by the public utility district commission, and shall be examined every ten years to determine substantial equality of population, but said boundaries shall not be changed oftener than once in four years, and only when all members of the commission are present. Whenever territory is added to a public utility district under RCW 54.04.035, the boundaries of the public utility commissioners' districts shall be changed to include such additional territory. The proposed change of the boundaries of the public utility district commissioners' district must be made by resolution and after public hearing. Notice of the time of a public hearing thereon shall be published for

two weeks prior thereto. Upon a referendum petition signed by ten percent of the qualified voters of the public utility district being filed with the county auditor, the county legislative authority shall submit such proposed change of boundaries to the voters of the public utility district for their approval or rejection. Such petition must be filed within ninety days after the adoption of resolution of the proposed action. The validity of said petition shall be governed by the provisions of chapter 54.08 RCW.

Sec. 2. Section 1, chapter 101, Laws of 1983 and RCW 54.04.035 are each amended to read as follows:

In addition to other powers authorized in Title 54 RCW, public utility districts may annex territory as provided in this section.

The boundaries of a public utility district may be enlarged and new contiguous territory added pursuant to the procedures for annexation by cities and towns provided in RCW 35.13-.015 through ~~((35.13-100))~~ 35.13.110. The provisions of these sections concerning community municipal corporations, review boards, and comprehensive plans, however, do not apply to public utility district annexations. For purposes of conforming with such procedures, the public utility district is deemed to be the city or town and the board of commissioners is deemed to be the city or town legislative body.

Annexation procedures provided in this section may only be used to annex territory ~~((not located in another public utility district))~~ that is both: (1) Contiguous to the annexing public utility district; and (2) located within the service area of the annexing public utility district. As used in this section, a public utility district's "service area" means those areas whether located within or outside of the annexing public utility district's boundaries that ~~((are))~~ were generally served with electrical energy by the annexing public utility district on January 1, 1987. Such service area may, or may not, ~~((be))~~ have been recognized in an agreement made under chapter 54.48 RCW, but no area may be included within such service area ~~((shall not be provided))~~ that was generally served with electrical energy on January 1, 1987, by another public utility as defined in RCW 54.48.010. An area proposed to be annexed may be located in the same or a different county as the annexing public utility district.

If an area proposed to be annexed is located within the boundaries of another public utility district, annexation may be initiated only upon petition of registered voters residing in the area in accordance with RCW 35.13.020 and adoption by the boards of commissioners of both districts of identical resolutions stating (a) the boundaries of the area to be annexed, (b) a determination that annexation is in the public interest of the residents of the area to be annexed as well as the public interest of their respective districts, (c) approval of annexation by the board, (d) the boundaries of the districts after annexation, (e) the disposition of any assets of the districts in the area to be annexed, (f) the obligations to be assumed by the annexing district, (g) apportionment of election costs, and (h) that voters in the area to be annexed will be advised of lawsuits that may impose liability on the annexed territory and the possible impact of annexation on taxes and utility rates.

If annexation is approved, the area annexed shall cease to be a part of the one public utility district at the same time that it becomes a part of the other district. The annexing public utility district shall assume responsibility for providing the area annexed with the services provided by the other public utility district in the area annexed.

NEW SECTION. Sec. 3. A new section is added to chapter 54.04 RCW to read as follows:

When territory has been added to a public utility district in accordance with RCW 54.04-.035, the supervisor of elections and other officers of the county in which the public utility district first operated shall coordinate elections, the levy and collection of taxes, and other necessary duties with the appropriate county officials of the other county."

On motion of Senator Williams, the following title amendment was adopted:

On page 1, line 2 of the title, after "district;" strike the remainder of the title and insert "amending RCW 54.12.010 and 54.04.035; and adding a new section to chapter 54.04 RCW."

#### MOTION

On motion of Senator Williams, the rules were suspended, Substitute House Bill No. 1012, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1012, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1012, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar,

Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE HOUSE BILL NO. 1012, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1137, by Representatives Locke, Niemi and Jacobsen

Exempting low-income housing owned or operated by certain public corporations from excise tax.

The bill was read the second time.

#### MOTIONS

On motion of Senator Rinehart, the following Committee on Ways and Means amendment was adopted:

On page 2, line 20, strike "labor" and insert "housing and urban development"

On motion of Senator Rinehart, the rules were suspended, House Bill No. 1137, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1137, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1137, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

HOUSE BILL NO. 1137, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 4407, by Committee on Natural Resources (originally sponsored by Representatives Sayan, Jacobsen, Basich, Unsoeld, Vekich, Sutherland, Fisch, Todd, Hargrove, Allen, Haugen, Appelwick, Meyers, Belcher, Locke, Fisher, Scott, Kremen, Ferguson, Sanders, Wang, Walk and S. Wilson)

Creating joint committee on marine and ocean resources.

The resolution was read the second time.

#### MOTION

On motion of Senator Owen, the rules were suspended, Substitute House Concurrent Resolution No. 4407 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Concurrent Resolution No. 4407.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Concurrent Resolution No. 4407 and the resolution passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar,

Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 4407, having received the constitutional majority, was declared passed.

There being no objection, the Senate resumed consideration of House Bill No. 64 and the pending amendment by Senator Halsan on page 1, line 8, deferred earlier today.

#### MOTIONS

On motion of Senator Deccio, and there being no objection, the point of order on the amendment by Senator Halsan on page 1, line 8, was withdrawn.

On motion of Senator Halsan, the amendment on page 1, line 8, was withdrawn.

#### MOTION

Senator Halsan moved that the following revised amendment be adopted:

On page 1, after line 8, insert the following:

"Sec. 2. Section .18.29, chapter 79, Laws of 1947 as last amended by section 1, chapter 287, Laws of 1986 and RCW 48.18.290 are each amended to read as follows:

(1) Cancellation by the insurer of any policy which by its terms is cancellable at the option of the insurer, or of any binder based on such policy, may be effected as to any interest only upon compliance with ~~((either or both of the following))~~ (a) and (b) or (c) of this subsection:

(a) Unless cancellation is due to reasons set forth in chapter 48.53 RCW, nonpayment of premiums, fraud, misrepresentation, or a material change in the condition or in the law affecting the risk, cancellation of a policy by the insurer shall not be issued more than sixty days after the policy has been in effect:

(b) Written notice of such cancellation, accompanied by the actual reason therefor, must be actually delivered or mailed to the insured and to his or her representative in charge of the subject of the insurance not less than forty-five days prior to the effective date of the cancellation except for cancellation of insurance policies for nonpayment of premiums, which notice shall be not less than ten days prior to such date and except for cancellation of fire insurance policies under chapter 48.53 RCW, which notice shall not be less than five days prior to such date:

~~((b))~~ (c) Like notice of not less than forty-five days must also be so delivered or mailed to each mortgagee, pledgee, or other person shown by the policy to have an interest in any loss which may occur thereunder.

(2) The mailing of any such notice shall be effected by depositing it in a sealed envelope, directed to the addressee at his or her last address as known to the insurer or as shown by the insurer's records, with proper prepaid postage affixed, in a letter depository of the United States post office. The insurer shall retain in its records any such item so mailed, together with its envelope, which was returned by the post office upon failure to find, or deliver the mailing to, the addressee.

(3) The affidavit of the individual making or supervising such a mailing, shall constitute prima facie evidence of such facts of the mailing as are therein affirmed.

(4) The portion of any premium paid to the insurer on account of the policy, unearned because of the cancellation and in amount as computed on the pro rata basis, must be actually paid to the insured or other person entitled thereto as shown by the policy or by any endorsement thereon, or be mailed to the insured or such person as soon as possible, and no later than forty-five days after the date of notice of cancellation to the insured for homeowners', dwelling fire, and private passenger auto. Any such payment may be made by cash, or by check, bank draft, or money order.

(5) This section shall not apply to contracts of life or disability insurance without provision for cancellation prior to the date to which premiums have been paid, or to contracts of insurance procured under the provisions of chapter 48.15 RCW."

#### POINT OF INQUIRY

Senator Deccio: "Senator Halsan, is it your interpretation that this language would apply to all policies with the exception of life, disability and bonds?"

Senator Halsan: "Yes, this is property, casualty and automobile."

Senator Deccio: "And homeowners?"

Senator Halsan: "Yes."

The President declared the question before the Senate to be adoption of the revised amendment by Senator Halsan.

The motion by Senator Halsan carried and the revised amendment was adopted.

## MOTIONS

On motion of Senator Halsan, the following title amendment was adopted  
On page 1, line 1 of the title, after "statutes;" insert "amending RCW 48.18.290;"

On motion of Senator Halsan, the rules were suspended, House Bill No. 64, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 64, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 64, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smithman, Stratton, Talmadge, Tanner, Vognd, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

HOUSE BILL NO. 64, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President returned the Senate to the fourth order of business.

## MESSAGE FROM THE HOUSE

April 2, 1987

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5180 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 43.19.1906, chapter 8, Laws of 1965 as last amended by section 1, chapter 342, Laws of 1985 and RCW 43.19.1906 are each amended to read as follows:

Insofar as practicable, all purchases and sales shall be based on competitive bids, and a formal sealed bid procedure shall be used as standard procedure for all purchases and contracts for purchases and sales executed by the state purchasing and material control director and under the powers granted by RCW 43.19.190 through 43.19.1939, as now or hereafter amended. This requirement also applies to purchases and contracts for purchases and sales executed by agencies, including educational institutions, under delegated authority granted in accordance with provisions of RCW 43.19.190 as now or hereafter amended. However, formal sealed bidding is not necessary for:

- (1) Emergency purchases made pursuant to RCW 43.19.200 if the sealed bidding procedure would prevent or hinder the emergency from being met appropriately;
- (2) Purchases not exceeding ~~((twenty-five hundred dollars, or purchases not exceeding))~~ five thousand dollars ~~((when the purchases are made by colleges and universities and are limited to the acquisition of equipment and materials to be used for research purposes)), or subsequent limits as calculated by the office of financial management: PROVIDED, That the state director of general administration shall establish procedures to assure that purchases made by or on behalf of the various state agencies shall not be made so as to avoid the ~~((twenty-five hundred dollar or the))~~ five thousand dollar bid limitation, or subsequent bid limitations as calculated by the office of financial management: PROVIDED FURTHER, That the state purchasing and material control director is authorized to reduce the formal sealed bid limits of ~~((twenty-five hundred dollars and))~~ five thousand dollars, or subsequent limits as calculated by the office of financial management, to a lower dollar amount for purchases by individual state agencies, including purchases of specialized equipment, instructional, and research equipment and materials by colleges and universities, if considered necessary to maintain full disclosure of competitive procurement or otherwise to achieve overall state efficiency and economy in purchasing and material control. Quotations from four hundred dollars to ~~((twenty-five hundred dollars or))~~ five thousand dollars, ~~((whichever is applicable,))~~ or subsequent limits as calculated by the office of financial management, shall be secured from enough vendors to assure establishment of a competitive price and may be obtained by telephone or written quotations, or both. Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry. A record of competition for all such purchases from four hundred dollars to ~~((twenty-five hundred dollars or))~~ five thousand dollars, ~~((whichever is applicable,))~~ or subsequent limits as calculated by the office of financial management, shall be documented for audit purposes on a standard~~

state form approved by the forms management center under the provisions of RCW 43.19.510. Purchases up to four hundred dollars may be made without competitive bids based on buyer experience and knowledge of the market in achieving maximum quality at minimum cost: PROVIDED, That this four hundred dollar direct buy limit without competitive bids may be increased incrementally as required to a maximum of eight hundred dollars with the approval of at least ten of the members of the state supply management advisory board, if warranted by increases in purchasing costs due to inflationary trends;

(3) Purchases which are clearly and legitimately limited to a single source of supply and purchases involving special facilities, services, or market conditions, in which instances the purchase price may be best established by direct negotiation;

(4) Purchases of insurance and bonds by the risk management office under RCW 43.19.1935 as now or hereafter amended;

(5) Purchases and contracts for vocational rehabilitation clients of the department of social and health services: PROVIDED, That this exemption is effective only when the state purchasing and material control director, after consultation with the director of the division of vocational rehabilitation and appropriate department of social and health services procurement personnel, declares that such purchases may be best executed through direct negotiation with one or more suppliers in order to expeditiously meet the special needs of the state's vocational rehabilitation clients; ~~(and)~~

(6) Purchases by universities for hospital operation or biomedical teaching or research purposes made by participating in contracts for materials, supplies, and equipment entered into by cooperative hospital service organizations as defined in section 501(e) of the Internal Revenue Code, or its successor; and

(7) Beginning on July 1, 1989, and on July 1 of each succeeding odd-numbered year, the five thousand dollar limit specified in subsection (2) of this section shall be adjusted as follows: The office of financial management shall calculate such limit by adjusting the previous biennium's limit by the appropriate federal inflationary index reflecting the rate of inflation for the previous biennium. Such amounts shall be rounded to the nearest one hundred dollars.

On page 1, line 1 of the title, after "bids;" strike the remainder of the title and insert "and amending RCW 43.19.1906."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

Senator Halsan moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 5180.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Halsan that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 5180.

The motion by Senator Halsan carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5180.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5180, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5180, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49.

Voiting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5180, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 2, 1987

Mr. President:

The House has passed SENATE BILL NO. 5327 with the following amendments:

On page 1, line 23, after "labor" strike "and ways and means"

On page 1, after line 29, insert the following:

**NEW SECTION. Sec. 2.** A new section is added to chapter 64.08 RCW to read as follows:

Any person who is otherwise competent but is physically unable to sign his or her name or make a mark may make an acknowledgment authorized under this chapter by orally directing the notary public or other authorized officer taking the acknowledgment to sign the person's name on his or her behalf. In taking an acknowledgment under this section, the notary public or other authorized officer shall, in addition to stating his or her name and place of residence, state that the signature in the acknowledgment was obtained under the authority of this section.

Sec. 3. Section 8, chapter 156, Laws of 1985 and RCW 42.44.080 are each amended to read as follows:

A notary public is authorized to perform notarial acts in this state. Notarial acts shall be performed in accordance with the following, as applicable:

(1) In taking an acknowledgment, a notary public must determine and certify, either from personal knowledge or from satisfactory evidence, that the person appearing before the notary public and making the acknowledgement is the person whose true signature is on the document.

(2) In taking an acknowledgment authorized by section 2 of this 1987 act from a person physically unable to sign his or her name or make a mark, a notary public shall, in addition to other requirements for taking an acknowledgment, determine and certify from personal knowledge or satisfactory evidence that the person appearing before the notary public is physically unable to sign his or her name or make a mark and is otherwise competent. The notary public shall include in the acknowledgment a statement that the signature in the acknowledgment was obtained under the authority of section 2 of this 1987 act.

(3) In taking a verification upon oath or affirmation, a notary public must determine, either from personal knowledge or from satisfactory evidence, that the person appearing before the notary public and making the verification is the person whose true signature is on the statement verified.

((3)) (4) In witnessing or attesting a signature, a notary public must determine, either from personal knowledge or from satisfactory evidence, that the signature is that of the person appearing before the notary public and named in the document.

((4)) (5) In certifying or attesting a copy of a document or other item, a notary public must determine that the proffered copy is a full, true, and accurate transcription or reproduction of that which was copied.

((5)) (6) In making or noting a protest of a negotiable instrument, a notary public must determine the matters set forth in RCW 62A.3-509.

((6)) (7) In certifying that an event has occurred or an act has been performed, a notary public must determine the occurrence or performance either from personal knowledge or from satisfactory evidence based upon the oath or affirmation of a credible witness personally known to the notary public.

((7)) (8) A notary public has satisfactory evidence that a person is the person described in a document if that person: (a) is personally known to the notary public; (b) is identified upon the oath or affirmation of a credible witness personally known to the notary public; or (c) is identified on the basis of identification documents.

((8)) (9) The signature and seal or stamp of a notary public are prima facie evidence that the signature of the notary is genuine and that the person is a notary public.

((9)) (10) A notary public is disqualified from performing a notarial act when the notary is a signer of the document which is to be notarized."

On page 1, line 1 of the title, after "disability;" strike the remainder of the title and insert "amending RCW 50.12.210 and 42.44.080; and adding a new section to chapter 64.08 RCW."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Warnke, the Senate concurred in the House amendments to Senate Bill No. 5327.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5327, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5327, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman,

Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Hayner - 1.

SENATE BILL NO. 5327, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 4:30 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 4:48 p.m. by President Cherberg.

#### MESSAGE FROM THE HOUSE

April 6, 1987

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 5571 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 6, chapter 124, Laws of 1963 as last amended by section 24, chapter 305, Laws of 1983 and RCW 22.09.060 are each amended to read as follows:

Except as provided in section 7(2) of this 1987 act, no warehouse or grain dealer license may be issued to an applicant before a bond ((or)), certificate of deposit, or other security is given to the department as provided in RCW 22.09.090, or in section 3 of this 1987 act. No warehouse license may be issued to an applicant before a certificate of insurance as provided in RCW 22.09.110 has been filed with the department.

Sec. 2. Section 9, chapter 124, Laws of 1963 as last amended by section 27, chapter 305, Laws of 1983 and RCW 22.09.090 are each amended to read as follows:

(1) ~~((Before any person is granted))~~ An applicant for a warehouse or grain dealer license pursuant to the provisions of this chapter ~~((the person))~~ shall give a bond to the state of Washington executed by the applicant as the principal and by a corporate surety licensed to do business in this state as surety.

(2) The bond required under this section for the issuance of a warehouse license shall be in the sum of not less than fifty thousand dollars nor more than seven hundred fifty thousand dollars. The department shall, after holding a public hearing, determine the amount that will be required for the warehouse bond which shall be computed at a rate of not less than fifteen cents nor more than thirty cents per bushel multiplied by the number of bushels of licensed commodity storage capacity of the warehouses of the applicant furnishing the bond. The applicant for a warehouse license may give a single bond meeting the requirements of this chapter, and all warehouses operated by the warehouseman are deemed to be one warehouse for the purpose of the amount of the bond required under this subsection. Any change in the capacity of a warehouse or addition of any new warehouse involving a change in bond liability under this chapter shall be immediately reported to the department.

(3) The bond required under this section for the issuance of a grain dealer license shall be in the sum of not less than fifty thousand dollars nor more than seven hundred fifty thousand dollars. The department shall, after holding a public hearing, determine the amount that will be required for the dealer bond which shall be computed at a rate not less than six percent nor more than twelve percent of the sales of agricultural commodities purchased by the dealer from producers during the dealer's last completed fiscal year or in the case of a grain dealer who has been engaged in business as a grain dealer less than one year, the estimated aggregate dollar amount to be paid by the dealer to producers for agricultural commodities to be purchased by the dealer during the dealer's first fiscal year.

(4) An applicant making application for both a warehouse license and a grain dealer license may satisfy the bonding requirements set forth in subsections (2) and (3) of this section by giving to the state of Washington a single bond for the issuance of both licenses, which bond shall be in the sum of not less than fifty thousand dollars nor more than seven hundred fifty thousand dollars. The department shall, after holding a public hearing, determine the amount of the bond which shall be computed at a rate of not less than fifteen cents nor more than thirty cents per bushel multiplied by the number of bushels of licensed commodity storage capacity of the warehouses of the applicant furnishing the bond, or at the rate of not less than six percent nor more than twelve percent of the gross sales of agricultural commodities of the applicant whichever is greater.

(5) The bonds required under this ~~((section))~~ chapter shall be approved by the department and shall be conditioned upon the faithful performance by the licensee of the duties imposed upon him by this chapter. If a person has applied for warehouse licenses to operate two or more warehouses in this state, the assets applicable to all warehouses, but not the deposits

except in case of a station, are subject to the liabilities of each. The total and aggregate liability of the surety for all claims upon the bond ~~((are))~~ is limited to the face amount ~~((specified in))~~ of the bond.

(6) Any person required to submit a bond to the department under this chapter has the option to give the department a certificate of deposit or other security acceptable to the department payable to the director as trustee, in lieu of a bond or a portion thereof. The principal amount of the certificate or other security shall be the same as that required for a surety bond under this chapter or may be in an amount which, when added to the ~~((applicant's))~~ bond, will satisfy the licensee's requirements for a surety bond under this chapter, and the interest thereon shall be made payable to the purchaser of the certificate or other security. The certificate of deposit or other security shall remain on deposit until it is released, canceled, or discharged as provided for by rule of the department. The provisions of this chapter that apply to a bond required under this chapter apply to each certificate of deposit or other security given in lieu of such a bond.

(7) The department may, when it has reason to believe that a grain dealer does not have the ability to pay producers for grain purchased, or when it determines that the grain dealer does not have a sufficient net worth to outstanding financial obligations ratio, or when it believes there may be claims made against the bond in excess of the face amount of the bond, require a grain dealer to post an additional bond in a dollar amount deemed appropriate by the department or may require an additional certificate of deposit or other security. The additional bonding or other security may exceed the maximum amount of the bond otherwise required under this ~~((section))~~ chapter. Failure to post the additional bond ~~((or))~~, certificate of deposit, or other security constitutes grounds for suspension or revocation of a license issued under this chapter.

(8) Notwithstanding any other provisions of this chapter, the license of a warehouseman or grain dealer shall automatically be suspended in accordance with RCW 22.09.100 for failure at any time to have or to maintain a bond ~~((or))~~, certificate of deposit, ~~((or both))~~ or other security or combination thereof in the amount and type required by this chapter. The department shall remove the suspension or issue a license as the case may be, when the required bond ~~((or))~~, certificate of deposit, or other security has been obtained.

NEW SECTION, Sec. 3. (1) Two or more applicants for a warehouse or grain dealer license may provide a single bond to the state of Washington, executed by a corporate surety licensed to do business in this state and designating each of the applicants as a principal on said bond.

(2) The department shall promulgate rules establishing the amount of the bond required under this section. In no event shall that amount be less than ten percent of the aggregate amount of each of the bonds that would be required of the applicants under RCW 22.09.090 or less than the amount that would be required under RCW 22.09.090 for the applicant having the highest bond requirement under that section.

Sec. 4. Section 10, chapter 124, Laws of 1963 as amended by section 28, chapter 305, Laws of 1983 and RCW 22.09.100 are each amended to read as follows:

(1) Every bond filed with and approved by the department shall without the necessity of periodic renewal remain in force and effect until such time as the warehouseman~~((s))~~ or grain dealer license of each principal on the bond is revoked ~~((for cause))~~ or otherwise canceled.

(2) The surety on a bond, as provided in this chapter, shall be released and discharged from all liability to the state ~~((accruing on the bond after))~~, as to a principal whose license is revoked or canceled, which liability accrues after the expiration of thirty days from the effective date ~~((a warehouseman's license is revoked for cause or otherwise terminated or after the expiration of ninety days from the date upon which the surety lodged with the department a written request to be released and discharged, but this provision shall not))~~ of the revocation or cancellation of the license. The surety on a bond under this chapter shall be released and discharged from all liability to the state accruing on the bond after the expiration of ninety days from the date upon which the surety lodges with the department a written request to be released and discharged. Nothing in this section shall operate to relieve, release, or discharge the surety from any liability ~~((already accrued or that has accrued))~~ which accrues before the expiration of the respective thirty or ninety-day period. In the event of a cancellation by the surety, the surety shall simultaneously send the notification of cancellation in writing to any other governmental agency requesting it. Upon receiving any such request, the department shall promptly notify the principal or principals who furnished the bond, and unless the principal or principals file~~((s))~~ a new bond on or before the expiration of the respective thirty or ninety-day period, the department shall forthwith cancel the ~~((principal's))~~ license of the principal or principals whose bond has been canceled.

Sec. 5. Section 29, chapter 7, Laws of 1975 1st ex. sess. as amended by section 56, chapter 305, Laws of 1983 and RCW 22.09.570 are each amended to read as follows:

The director may bring action upon the bond of a warehouseman or grain dealer against both principal against whom a claim has been made and the surety in any court of competent jurisdiction to recover the damages caused by any failure to comply with the provisions of this chapter or the rules adopted hereunder. Recovery for damages against a warehouseman or

grain dealer on a bond furnished under section 3 of this 1987 act shall be limited to the bond amount that would be required for that warehouseman or grain dealer under RCW 22.09.090.

Sec. 6. Section 33, chapter 7, Laws of 1975 1st ex. sess. as amended by section 60, chapter 305, Laws of 1983 and RCW 22.09.610 are each amended to read as follows:

Upon the refusal of the surety company to pay the demand, the director may thereupon bring an action on the warehouseman's or grain dealer's bond in behalf of the depositor creditors. Upon any action being commenced on the bond, the director may require the filing of a new bond, and immediately upon the recovery in any action on the bond, ~~((the warehouseman or grain dealer shall file))~~ a new bond shall be filed. The failure to file the new bond or otherwise satisfy the security requirements of this chapter within ten days in either case constitutes grounds for the suspension or revocation of the ~~((warehouseman's or grain dealer's))~~ license of any principal on the bond.

**NEW SECTION.** Sec. 7. (1) The provisions of this section and sections 9 through 20 of this act constitute the grain indemnity fund program. Sections 9 through 20 of this act shall take effect on a date specified by the director but within ninety days after receipt by the director of a petition seeking implementation of the grain indemnity fund program provided for in this chapter and a determination by the director, following a public hearing on said petition, that a grain indemnity fund program is in the interest of the agricultural industry of this state. The petition shall be signed by licensees of at least thirty-three percent of the grain warehouses and thirty-three percent of the grain dealers. At least sixty days in advance, the director shall notify each licensed warehouse and grain dealer of the effective date of the grain indemnity fund program provisions.

(2) The grain indemnity fund program, if activated by the director, shall be in lieu of the bonding and security provisions of RCW 22.09.090 and section 3 of this act.

**NEW SECTION.** Sec. 8. (1) There is hereby established a fund to be known as the grain indemnity fund. The grain indemnity fund shall consist of assessments remitted by licensees pursuant to the provisions of sections 9 through 11 of this act and any interest or earnings on the fund balance.

(2) All assessments shall be paid to the department and shall be deposited in the grain indemnity fund. The state treasurer shall be the custodian of the grain indemnity fund. Disbursements shall be on authorization of the director. No appropriation is required for disbursements from this fund.

(3) The grain indemnity fund shall be used exclusively for purposes of paying claimants pursuant to this chapter, and paying necessary expenses of administering the grain indemnity fund, provided however, that one-half of the interest accumulated by the fund may be paid to the department to defray costs of administering the warehouse audit program. The state of Washington shall not be liable for any claims presented against the fund.

**NEW SECTION.** Sec. 9. (1) Every licensed warehouse and grain dealer and every applicant for any such license shall pay assessments to the department for deposit in the grain indemnity fund according to the provisions of sections 7 through 20 of this act and rules promulgated by the department to implement this chapter.

(2) The rate of the assessments shall be established by rule, provided however, that no single assessment against a licensed warehouse or grain dealer or applicant for any such license shall exceed five percent of the bond amount that would otherwise have been required of such grain dealer, warehouseman, or license applicant under RCW 22.09.090.

**NEW SECTION.** Sec. 10. (1) The department shall establish the initial assessment within sixty days of the activation of the grain indemnity fund program pursuant to section 7 of this act. Immediately upon promulgation of the rule, the department shall issue notice to each licensed warehouse and grain dealer of the assessment owed. The initial assessment and assessments issued thereafter shall be paid within thirty days of the date posted on the assessment notice.

(2) The surety bond or other security posted by a licensed warehouse or grain dealer in effect immediately preceding the effective date of the grain indemnity fund program, shall remain in full force and effect and shall not be released until thirty days after the initial assessment is paid. A certificate of deposit or other security in effect immediately preceding the effective date of the grain indemnity fund program shall remain on deposit until the initial assessment is paid and until such certificate of deposit or other security is released by the department following a prompt determination that no outstanding claims are pending against the security.

(3) Each new applicant for a warehouse or grain dealer license shall pay the assessment imposed pursuant to section 9 of this act at the time of application. No license to operate as a grain dealer or grain warehouse or both shall be issued until such assessment is paid.

Notwithstanding the provisions of section 9(2) of this act, new applicants shall pay annual assessments into the grain indemnity fund for an equivalent number of years as those participating at the inception of the grain indemnity fund program and who continue to participate in the grain indemnity fund program.

**NEW SECTION.** Sec. 11. The assessments imposed pursuant to section 9 of this act shall be imposed annually, under rules promulgated by the department, until such time as the grain indemnity fund balance, less any outstanding claims, reaches three million dollars. For any

year in which the grain indemnity fund balance, less any outstanding claims, exceeds three million dollars on the annual assessment date, no assessment shall be imposed by the department, except as provided in section 10(3) or 12 of this act.

**NEW SECTION.** Sec. 12. The department may, when it has reason to believe that a licensee does not have the ability to pay producers for grain purchased, or when it determines that the licensee does not have a sufficient net worth to outstanding financial obligations ratio, require from the licensee the payment of an additional assessment or, at the department's option, the posting of a bond or other additional security in an amount to be prescribed by rule. The additional assessment or other security may exceed the maximum amount set forth in section 9 of this act. Failure of the licensee to timely pay the additional assessment or post the additional bond or other security constitutes grounds for suspension or revocation of a license issued under this chapter.

**NEW SECTION.** Sec. 13. (1) There is hereby created a grain indemnity fund advisory committee consisting of six members to be appointed by the director. The director shall make appointments to the committee no later than seven days following the date this section becomes effective pursuant to section 7 of this act. Of the initial appointments, three shall be for two-year terms and three shall be for three-year terms. Thereafter, appointments shall be for three-year terms, each term ending on the same day of the same month as did the term preceding it. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of the predecessor's term.

(2) The committee shall be composed of two producers primarily engaged in the production of agricultural commodities, two licensed grain dealers, and two licensed grain warehousemen.

(3) The committee shall meet at such places and times as it shall determine and as often as necessary to discharge the duties imposed upon it. Each committee member shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel and subsistence expense under RCW 43.03.050 and 43.03.060. The expenses of the committee and its operation shall be paid from the grain indemnity fund.

(4) The committee shall have the power and duty to advise the director concerning assessments, administration of the grain indemnity fund, and payment of claims from the fund.

**NEW SECTION.** Sec. 14. In the event a grain dealer or warehouse fails, as defined in RCW 22.09.011(21), or otherwise fails to comply with the provisions of this chapter or rules promulgated hereunder, the department shall process the claims of depositors producing written evidence of ownership disclosing a storage obligation or written evidence of a sale of commodities for damages caused by the failure, in the following manner:

(1) The department shall give notice and provide a reasonable time, not to exceed thirty days, to depositors possessing written evidence of ownership disclosing a storage obligation or written evidence of sale of commodities to file their written verified claims with the department.

(2) The department may investigate each claim and determine whether the claimant's commodities are under a storage obligation or whether a sale of commodities has occurred. The department shall notify each claimant, the grain warehouseman or grain dealer, and the committee of the department's determination as to the validity and amount of each claimant's claim. A claimant, warehouseman, or grain dealer may request a hearing on the department's determination within twenty days of receipt of written notification and a hearing shall be held by the department pursuant to chapter 34.04 RCW. Upon determining the amount and validity of the claim, the director shall pay the claim from the grain indemnity fund.

(3) The department may inspect and audit a failed warehouseman, as defined by RCW 22.09.011(21) to determine whether the warehouseman has in his possession, sufficient quantities of commodities to cover his storage obligations. In the event of a shortage, the department shall determine each depositor's pro rata share of available commodities and the deficiency shall be considered as a claim of the depositor. Each type of commodity shall be treated separately for the purpose of determining shortages.

**NEW SECTION.** Sec. 15. If a depositor or creditor, after notification, refuses or neglects to file in the office of the director his verified claim against a warehouseman or grain dealer as requested by the director within thirty days from the date of the request, the director shall thereupon be relieved of responsibility for taking action with respect to such claim later asserted and no such claim shall be paid from the grain indemnity fund.

**NEW SECTION.** Sec. 16. Subject to the provisions of sections 17 and 18 of this act and to a maximum payment of seven hundred fifty thousand dollars on all claims against a single licensee, approved claims against a licensed warehouseman or licensed grain dealer shall be paid from the grain indemnity fund in the following amounts:

(1) Approved claims against a licensed warehouseman shall be paid in full;

(2) Approved claims against a licensed grain dealer for payments due within thirty days of transfer of title shall be paid in full for the first twenty-five thousand dollars of the claim. The amount of such a claim in excess of twenty-five thousand dollars shall be paid to the extent of eighty percent;

(3) Approved claims against a licensed grain dealer for payments due between thirty and ninety days of transfer of title shall be paid to the extent of eighty percent;

(4) Approved claims against a licensed grain dealer for payments due after ninety days from transfer of title shall be paid to the extent of seventy-five percent;

(5) In the event that approved claims against a single licensee exceed seven hundred fifty thousand dollars, recovery on those claims shall be prorated.

NEW SECTION, Sec. 17. In addition to the payment limitations imposed by section 16 of this act, payment of any claim approved before the grain indemnity fund first reaches a balance of one million two hundred fifty thousand dollars, shall be limited to the following amounts:

(1) For claims against a licensed grain warehouse, payment shall not exceed the lesser of seven hundred fifty thousand dollars or an amount equal to the licensee's total bushels of licensed storage space multiplied by the rate of eighteen cents.

(2) For claims against a licensed grain dealer, payment shall not exceed the lesser of seven hundred fifty thousand dollars or an amount equal to six percent of the gross purchases of the licensee during the licensee's immediately preceding fiscal year.

(3) The unpaid balance of any claim subject to this section shall be paid when the grain indemnity fund first reaches a balance of one million two hundred fifty thousand dollars, provided that the total paid on the claim shall not exceed the limits specified in section 16 of this act.

NEW SECTION, Sec. 18. The requirement that the state of Washington pay claims under this chapter only exists so long as the grain indemnity fund contains sufficient money to pay the claims. Under no circumstances whatsoever may any funds (other than assessment amounts and other money obtained under this chapter) be used to pay claims. In the event that the amount in the grain indemnity fund is insufficient to pay all approved claims in the amount provided for under section 16 or 17 of this act, the claims shall be paid in the order in which they were filed with the department, until such time as sufficient moneys are available in the grain indemnity fund to pay all of the claims.

NEW SECTION, Sec. 19. Amounts paid from the grain indemnity fund in satisfaction of any approved claim shall constitute a debt and obligation of the grain dealer or warehouseman against whom the claim was made. On behalf of the grain indemnity fund, the director may bring suit, file a claim, or intervene in any legal proceeding to recover from the grain dealer or warehouseman the amount of the payment made from the grain indemnity fund, together with costs and attorneys' fees incurred. In instances where the superior court is the appropriate forum for a recovery action, the director may elect to institute the action in the superior court of Thurston county.

NEW SECTION, Sec. 20. The department may deny, suspend, or revoke the license of any grain dealer or warehouseman who fails to timely pay assessments to the grain indemnity fund or against whom a claim has been made, approved, and paid from the grain indemnity fund. Proceedings for the denial, suspension, or revocation shall be subject to the provisions of chapter 34.04 RCW.

NEW SECTION, Sec. 21. Sections 3 and 7 through 20 of this act are each added to chapter 22.09 RCW.

NEW SECTION, Sec. 22. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 23. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

and the amendment and the bill are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Hansen, the Senate concurred in the House amendment to Engrossed Senate Bill No. 5571.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5571, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5571, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; absent, 5.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Salling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senators Barr, Hayner, McDonald, Metcalf, Zimmerman - 5.

ENGROSSED SENATE BILL NO. 5571, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Newhouse, Senator Lee was excused.

## MESSAGE FROM THE HOUSE

April 6, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5594 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 90.14 RCW to read as follows:

Any person or entity, or successor to such person or entity, having a statement of claim on file with the water rights claims registry on the effective date of this section, may submit to the department of ecology for filing, an amendment to such a statement of claim if the submitted amendment is based on:

(1) An error in estimation of the quantity of the applicant's water claim prescribed in RCW 90.14.051 if the applicant provides reasons for the failure to claim such right in the original claim;

(2) A change in circumstances not foreseeable at the time the original claim was filed, if such change in circumstances relates only to the manner of transportation or diversion of the water and not to the use or quantity of such water; or

(3) The amendment is ministerial in nature.

The department shall accept any such submission and file the same in the registry unless the department by written determination concludes that the requirements of subsection (1), (2), or (3) of this section have not been satisfied. Any person aggrieved by a determination of the department may obtain a review thereof by filing a petition for review with the pollution control hearings board within thirty days of the date of the determination by the department. The provisions of RCW 90.14.081 shall apply to any amendment filed under this section.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "claims;" strike the remainder of the title and insert "adding a new section to chapter 90.14 RCW; and declaring an emergency."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

On motion of Senator Hansen, the Senate concurred in the House amendments to Substitute Senate Bill No. 5594.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5594, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5594, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; absent, 8; excused, 1.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bottiger, Conner, Craswell, Decio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kreidler, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn - 40.

Absent: Senators Barr, Bluechel, Cantu, Hayner, Kiskaddon, Saling, Tanner, Zimmerman - 8.

Excused: Senator Lee - 1.

SUBSTITUTE SENATE BILL NO. 5594, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President advanced the Senate to the sixth order of business.

## SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 16, by Committee on Ways and Means/Appropriations (originally sponsored by Representatives Grimm, Walker, Rust, Allen, Jacobsen, Winsley, Brekke, Locke, Unsoeld and Belcher)

Regulating wood stoves emissions.

The bill was read the second time.

## MOTIONS

On motion of Senator Warnke, the following amendment was adopted:

On page 5, beginning on line 14, strike all material down to and including "section." on line 19

Re-number the remaining sections consecutively

On motion of Senator Warnke, the following amendment was adopted:

On page 6, line 13, after "wood" insert "and coal"

## POINT OF INQUIRY

Senator Pullen: "Senator Kreidler, I am looking on page 4, Section 6, and the introductory words in Section 6 read, 'Any person in a residence or commercial establishment which has an adequate source of heat without burning wood shall'—and then there are two subsections which restrict the burning of wood under certain circumstances. I am wondering if those introductory words are there to allow a special exception if a person, for example, is very cold during a harsh winter and needs to burn wood perhaps as the only source of heat as a means of providing environmental support—necessary environmental support and warmth within the residence. Is that the intent of that language?"

Senator Kreidler: "Senator Pullen, that language is there to insure that a person has some way of appropriately heating their house and it would certainly mean that if their usual and customary means of heating the house outside of the wood burning stove or coal burning stove were inadequate, obviously then they would not have those stipulations apply and they would be able to use the wood burning stove."

Senator Pullen: "So, for those emergency or life support or necessary environmental purposes within the residence, they could burn wood without being subject to any present penalties?"

Senator Kreidler: "Absolutely."

## POINT OF INQUIRY

Senator Warnke: "Senator Kreidler, I am also looking at page 4 in that same section Senator Pullen referred to, on line 21, and the way I read from the middle of line 21, 'If, after July 1, 1990.' It appears to me that the Department could determine that there is evidence that wood stoves meeting the requirements of this bill, meaning even those stoves which are all right under this Act and the Department determines there is a quantitative evidence that wood stoves meeting this Act contribute to air quality, they could prohibit all wood stoves in the state of Washington on July 2, 1990?"

Senator Kreidler: "No, it would not accomplish that."

## POINT OF INQUIRY

Senator Nelson: "Senator Kreidler, now that we have passed the Warnke amendment which has stricken Section 10, that dealt with the situation that unless allowed by rule, coal shall not be burned in any residential solid fuel burning device. We now have taken all of that out. So, I now revert back to Section 6, and in this section it says that—referring now to page 4 and the conversation you had with Senator Pullen, 'that residents cannot burn wood in any fuel heating device whenever the Department has determined there might be an air polluting episode.' My question to you is that now with Section 10 stricken, would it not be okay to burn coal even though there is an air pollution episode?"

Senator Kreidler: "No, it wouldn't, because under Section 9--New Section 9--of the bill, they still would have rule making power. If you look under Section 9, subsection (9), you would see they still would have the ability to have regulatory power."

Senator Nelson: "If I may address that, Section 9 does not list coal. It lists all of those things that, hopefully, nobody is burning out there today--the plastics, the garbage, the paints, the waste petroleum products and all the rest. It has nothing to do with the normal combustible material that people are using in the state of Washington to derive heat or pleasurable fire."

Senator Kreidler: "As you will see Section 9, subsection (9), 'Any substance, other than properly seasoned fuel wood, which normally emits dense smoke or obnoxious odors'--under that, I understand they would be able to adopt rules."

Senator Nelson: "So, it's your understanding in Section 9, subsection (9), coal would be included in that particular definition of a substance other than seasoned fuel wood, which emits dense smoke and obnoxious odors?"

Senator Kreidler: "I think that the Department could so construe it and I think that would be adequate protection if, indeed, it was determined that coal was presenting that magnitude of problem. At the current time, coal doesn't represent that kind of problem. The problem is around wood and I don't really believe, given the type of coal we have here--all respects to Black Diamond--that we really have the kind of quality of coal here that you'll ever see coal burning done on a usual and customary basis. So, I don't really see it as a problem, but if it were, I think that the Department would have adequate rule making powers to prevent any problem from occurring."

#### POINT OF INQUIRY

Senator McCaslin: "Back to Section 6, Senator Kreidler, where it says, 'Any person in a residence or commercial etc., etc., shall not burn wood.' Now, if a commercial building was a building that sold wood stoves, I assume they could not burn wood if, under RCW 70.94.715 air pollution existed in that area. How are we going to handle that problem?"

Senator Kreidler: "As you can see that if we wound up with a situation where you had a significant problem with air quality or they were in a geographic location where you would have a persistent air quality problem, they would have the ability, essentially, to protect public health. I might add that that particular language was one that was carefully evaluated by the people who sell wood stoves and they found that language acceptable."

Senator McCaslin: "Thank you, but I assume even though they found it acceptable, someone could be shut down and not be able to sell stoves because of this ruling."

Senator Kreidler: "I suppose there is always that potential, but in fact, they did not consider that something they objected to. They found it reasonable language."

Senator McCaslin: "They must have been renting the buildings. Thank you."

#### MOTION

On motion of Senator Kreidler, the rules were suspended, Engrossed Second Substitute House Bill No. 16, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute House Bill No. 16, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute House Bill No. 16, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 35; nays, 13; excused, 1.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Peterson, Rinehart, Sellar, Smitherman, Stratton, Talmadge, Warnke, West, Williams, Wojahn - 35.

Voting nay: Senators Barr, Benitz, Craswell, McCaslin, Owen, Patterson, Pullen, Rasmussen, Saling, Tanner, Vognild, von Reichbauer, Zimmerman - 13.

Excused: Senator Lee - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 16, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 56; by Committee on Natural Resources (originally sponsored by Representative Sutherland)

Modifying provisions relating to surface mining permits and fees.

The bill was read the second time.

#### MOTIONS

Senator Owen moved that the following Committee on Natural Resources amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 4, chapter 64, Laws of 1970 ex. sess. as amended by section 1, chapter 215, Laws of 1984 and RCW 78.44.030 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise:

(1) "Surface mining" shall mean all or any part of the process involved in mining of minerals by removing the overburden and mining directly from the mineral deposits thereby exposed, including open-pit mining of minerals naturally exposed at the surface of the earth, mining by the auger method, and including the production of surface mining refuse. Surface mining shall not include on-site processing of minerals such as concrete batching or rock crushing operations. For the purpose of this chapter surface mining shall mean those operations described in this paragraph (~~from~~) which (~~more than ten thousand tons of minerals are produced or more than two acres of land is newly disturbed within a period of twelve consecutive calendar months~~) collectively result in more than three acres of land being disturbed or that result in pit walls more than thirty feet high and steeper than one horizontal to one vertical. Surface mining shall not include disturbances of greater than three acres of land during any time period if the cumulative area that has not been rehabilitated according to the reclamation requirements outlined in this chapter is less than three acres. Surface mining shall not include excavation or removal of sand, gravel, clay, rock, top soil, or other materials in remote areas by an owner or holder of a possessory interest in land for the primary purpose of construction or maintenance of access roads to or on such landowner's property. Surface mining shall not include excavation or grading conducted for farming, on-site road construction or other on-site construction, but shall include adjacent or off-site borrow pits except those on landowner's property for use on access roads on such property. Prospecting and exploration activities shall be included within the definition of surface mining when they are of such nature and extent as to exceed the qualifying sizes listed above or when collectively they disturb more than one acre per eight acres of land area.

(2) "Unit of surface mined area" shall mean the area of land and water covered by each operating permit that is actually newly disturbed by surface mining during each twelve-month period of time, beginning at the date of issuance of the permit, and shall comprise the area from which overburden and/or minerals have been removed, the area covered by spoil banks, and all additional areas used in surface mining operations which by virtue of such use are thereafter susceptible to excessive erosion.

(3) "Abandonment of surface mining" shall mean a cessation of surface mining, not set forth in an operator's plan of operation or by any other sufficient written notice, extending for more than six consecutive months or when, by reason of examination of the premises or by any other means, it becomes the opinion of the department of natural resources that the operation has in fact been abandoned by the operator: PROVIDED, That the operator does not, within thirty days of receipt of written notification from the department of his intent to declare the operation abandoned, submit evidence to the department's satisfaction that the operation is in fact not abandoned.

(4) "Minerals" shall mean coal, clay, stone, sand, gravel, metallic ore, and any other similar solid material or substance to be excavated from natural deposits on or in the earth for commercial, industrial, or construction uses.

(5) "Overburden" shall mean the earth, rock, and other materials that lie above a natural deposit of mineral.

(6) "Surface mining refuse" shall mean all waste soil, rock, mineral, liquid, vegetation, and other material directly resulting from or displaced by the mining, cleaning, or preparation of minerals during the surface mining operations on the operating permit area, and shall include all waste materials deposited on or in the permit area from other sources.

(7) "Spoil bank" shall mean a deposit of excavated overburden or mining refuse.

(8) "Operator" shall mean any person or persons, any partnership, limited partnership, or corporation, or any association of persons, either natural or artificial, including every public or governmental agency engaged in surface mining operations, whether individually, jointly, or through subsidiaries, agents, employees, or contractors.

(9) "Department" means the department of natural resources.

(10) "Reclamation" shall mean the reasonable protection of all surface resources subject to disruption from surface mining and rehabilitation of the surface resources affected by surface mining including the area under stockpiled materials. Although both the need for and the practicability of reclamation will control the type and degree of reclamation in any specific instance, the basic objective will be to reestablish on a continuing basis the vegetative cover, soil stability, water conditions, and safety conditions appropriate to the intended subsequent use of the area.

(11) "Reclamation plan" shall mean the operator's written proposal, as required and approved by the department, for reclamation of the affected resources which shall include, but not be limited to:

(a) A statement of the proposed subsequent use of the land after reclamation (~~and satisfactory evidence that all owners of~~) which is signed by all individuals with a possessory interest in the land (concur with this proposed use), or a copy of the conveyance that expressly grants or reserves the right to extract the mineral by surface mining methods, or if the conveyance does not expressly grant the right to extract the mineral by surface mining methods, then documentation that under applicable state law, the operator has the legal authority to extract the mineral by those methods: PROVIDED, That the applicant must provide notice reasonably calculated to advise all individuals with a possessory interest of the intent to remove minerals and the proposed subsequent use. If any individual with a possessory interest does not respond to the notice within sixty days, that person's signature shall not be required;

(b) Evidence that this subsequent use would not be illegal under local zoning regulations;

(c) Proposed practices to protect adjacent surface resources;

(d) Specifications for surface gradient restoration to a surface suitable for the proposed subsequent use of the land after reclamation is completed, and proposed method of accomplishment;

(e) Manner and type of revegetation or other surface treatment of disturbed areas;

(f) Method of prevention or elimination of conditions that will create a public nuisance, endanger public safety, damage property, or be hazardous to vegetative, animal, fish, or human life in or adjacent to the area;

(g) Method of control of contaminants and disposal of surface mining refuse;

(h) Method of diverting surface waters around the disturbed areas;

(i) Method of restoration of stream channels and stream banks to a condition minimizing erosion and siltation and other pollution;

(j) Such maps and other supporting documents as reasonably required by the department; and

(k) A time schedule for reclamation that meets the requirements of RCW 78.44.090.

Sec. 2. Section 12, chapter 64, Laws of 1970 ex. sess. as amended by section 4, chapter 215, Laws of 1984 and RCW 78.44.110 are each amended to read as follows:

The permit fees required under this chapter shall be as follows:

(1) The basic fee for the permit shall be two hundred fifty dollars per permit year for each separate location, payable with submission of the application and annually thereafter with submission of the report required in RCW 78.44.130; PROVIDED, That a person who has held a valid surface mining permit and whose property has never been disturbed for surface mining may keep such permit in effect by paying an annual fee of fifty dollars. Before a person holding a fifty dollar permit begins surface mining during any permit year, that person shall pay the remainder of the two hundred fifty dollar fee.

(2) In addition, there shall be a five dollar per acre fee for all acreage exceeding ten acres which was newly disturbed by surface mining during the previous permit year, which acreage fee shall be paid at the time of submission of the report required in RCW 78.44.130.

(3) All fees collected shall be deposited in the general fund.

Sec. 3. Section 15, chapter 64, Laws of 1970 ex. sess. as amended by section 6, chapter 215, Laws of 1984 and RCW 78.44.140 are each amended to read as follows:

Upon receipt of the operator's report, and at any other reasonable time the department may elect, the department shall cause the permit area to be inspected to determine if the operator has complied with the reclamation plan and the department's rules and regulations.

The operator shall proceed with reclamation as scheduled in the reclamation plan. Following any written notice by the department noting deficiencies, the operator shall commence action within thirty days, or as directed by the department if it has determined that emergency actions are required, to rectify these deficiencies and shall diligently proceed until the deficiencies are corrected: PROVIDED, That deficiencies that also violate other laws that require earlier rectification shall be corrected in accordance with the applicable time provisions of such laws. The department may extend performance periods referred to in this section and in

RCW 78.44.090, for delays clearly beyond the operator's control, but only when the operator is, in the opinion of the department, making every reasonable effort to comply.

Within thirty days after notification by the operator and when in the judgment of the department reclamation of a unit of surface mined area is properly completed, the mining operator shall be notified in writing and his bond on said area shall be released or decreased proportionately.

If reclamation of surface mined land is not proceeding in accordance with the reclamation plan and the operator has not commenced action to rectify deficiencies within thirty days after notification by the department or as directed by the department, or if reclamation is not properly completed in conformance with the reclamation plan within two years after completion or abandonment of surface mining on any segment of the permit area, the department is authorized, with the staff, equipment and material under his control, or by contract with others, to take such actions as are necessary for the reclamation of the surface mined areas. If the department intends to undertake the reclamation, the department shall ascertain the probable costs of reclamation and shall notify the operator, the surety, and the owner of the probable costs. The operator or surety, or both, shall pay that amount to the department for reclaiming the surface mined land. The department shall keep a record of all necessary expenses incurred in carrying out any project or activity authorized under this section, including a reasonable charge for the services performed by the state's personnel and the state's equipment and materials utilized.

The department shall notify the operator, the owner, and the surety by order. The order shall state the amount of necessary expenses incurred by the department in reclaiming the surface mined land and a notice that the amount is due and payable to the department by the operator and the surety to the extent that the amount has not already been paid. The department shall refund all amounts received above the amount of expenses incurred.

If the amount specified in the notice or order is not paid within thirty days after receipt of the notice, the attorney general, upon request of the department, shall bring an action on behalf of the state in the superior court for Thurston county or any county in which the persons to whom the notice or order is directed do business to recover the amount specified. The surety shall be liable to the state to the extent of the bond.

~~((The amount owed the department by the operator for the reclamation performed by the state may be recovered by a lien against the reclaimed property, which may be enforced in the same manner and with the same effect as a mechanic's lien.))~~

In addition to the other liabilities imposed by this chapter, failure to commence action to rectify deficiencies in reclamation within thirty days after notification by the department or failure satisfactorily to complete reclamation work on any segment of the permit area within two years after completion or abandonment of surface mining on any segment of the permit area shall constitute sufficient grounds for cancellation of a permit and refusal to issue another permit to the delinquent operator until such deficiencies are corrected by the operator.

**NEW SECTION.** Sec. 4. A new section is added to chapter 78.44 RCW to read as follows:

The department shall by rule define the term "segment" as used in RCW 78.44.090 and 78.44.140 to establish the depth or extent of the operation covered."

On motion of Senator Talmadge, the following amendment by Senators Talmadge and Owen to the Committee on Natural Resources amendment was adopted:

On page 8, line 3, strike all of Sec. 3.

The President declared the question before the Senate to be adoption of the Committee on Natural Resources amendment, as amended.

The motion by Senator Owen carried and the committee amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Owen, the following title amendment was adopted:

On page 1, line 1 of the title, after "mining;" strike the remainder of the title and insert "amending RCW 78.44.030, 78.44.110, and 78.44.140; and adding a new section to chapter 78.44 RCW."

On motion of Senator Owen, the rules were suspended, Substitute House Bill No. 56, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 56, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 56, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Lee - 1.

SUBSTITUTE HOUSE BILL NO. 56, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 130, by Committee on Transportation (originally sponsored by Representatives Vekich, Fisch and Zellinsky)

Authorizing procedures for collection of airport use fees.

The bill was read the second time.

## MOTIONS

On motion of Senator Bender, the following Committee on Transportation amendment was adopted:

On page 5, after line 7, insert the following:

"Sec. 4. Section 11, chapter 182, Laws of 1945 as last amended by section 7, chapter 7, Laws of 1984 and RCW 14.08.200 are each amended to read as follows:

(1) All powers, rights, and authority granted to any municipality in this chapter may be exercised and enjoyed by two or more municipalities, or by this state and one or more municipalities therein, acting jointly, either within or outside the territorial limits of either or any of the municipalities and within or outside this state, or by this state or any municipality therein acting jointly with any other state or municipality therein, either within or outside this state if the laws of the other state permit such joint action.

(2) For the purposes of this section only, unless another intention clearly appears or the context requires otherwise, this state is included in the term "municipality," and all the powers conferred upon municipalities in this chapter, if not otherwise conferred by law, are conferred upon this state when acting jointly with any municipality or municipalities. Where reference is made to the "governing body" of a municipality, that term means, as to the state, its secretary of transportation.

(3) Any two or more municipalities may enter into agreements with each other, duly authorized by ordinances or resolution, as may be appropriate, for joint action under this section. Concurrent action by the governing bodies of the municipalities involved constitutes joint action.

(4) Each such agreement shall specify its terms; the proportionate interest which each municipality shall have in the property, facilities, and privileges involved, and the proportion of preliminary costs, cost of acquisition, establishment, construction, enlargement, improvement, and equipment, and of expenses of maintenance, operation, and regulation to be borne by each, and make such other provisions as may be necessary to carry out the provisions of this section. It shall provide for amendments thereof and for conditions and methods of termination; for the disposition of all or any part of the property, facilities, and privileges jointly owned if the property, facilities, and privileges, or any part thereof, cease to be used for the purposes provided in this section or if the agreement is terminated, and for the distribution of the proceeds received upon any such disposition, and of any funds or other property jointly owned and undisposed of, and the assumption or payment of any indebtedness arising from the joint venture which remains unpaid, upon any such disposition or upon a termination of the agreement.

(5) Municipalities acting jointly as authorized in this section shall create a board from the inhabitants of the municipalities for the purpose of acquiring property for, establishing, constructing, enlarging, improving, maintaining, equipping, operating, and regulating the airports and other air navigation facilities and airport protection privileges to be jointly acquired, controlled, and operated. The board shall consist of members to be appointed by the governing body of each municipality involved, the number to be appointed by each to be provided for by the agreement for the joint venture. Each member shall serve for such time and upon such terms as to compensation, if any, as may be provided for in the agreement.

(6) Each such board shall organize, select officers for terms to be fixed by the agreement, and adopt and from time to time amend rules of procedure.

(7) Such board may exercise, on behalf of the municipalities acting jointly by which it is appointed, all the powers of each of the municipalities granted by this chapter, except as provided in this section. Real property, airports, restricted landing areas, air protection privileges, or personal property costing in excess of a sum to be fixed by the joint agreement, may be acquired, and condemnation proceedings may be instituted, only by approval of the governing bodies of each of the municipalities involved. Upon the approval of the governing body, or if no approval is necessary then upon the board's own determination, such property may be acquired by private negotiation under such terms and conditions as seem just and proper to the board. The total amount of expenditures to be made by the board for any purpose in any calendar year shall be determined by the municipalities involved by the approval by each on or before the preceding December 1st, of a budget for the ensuing calendar year, which budget may be amended or supplemented by joint resolution of the municipalities involved during the calendar year for which the original budget was approved. Rules and regulations provided for by RCW 14.08.120(2) become effective only upon approval of each of the appointing governing bodies. No real property and no airport, other navigation facility, or air protection privilege, owned jointly, may be disposed of by the board by sale except by authority of all the appointing governing bodies, but the board may lease space, land area, or improvements and grant concessions on airports for aeronautical purposes, or other purposes which will not interfere with the aeronautical purposes of such airport, air navigation facility, or air protection privilege by private negotiation under such terms and conditions as seem just and proper to the board, subject to the provisions of RCW 14.08.120(4). Subject to the provisions of the agreement for the joint venture, and when it appears to the board to be in the best interests of the municipalities involved, the board may sell any personal property by private negotiations under such terms and conditions as seem just and proper to the board.

(8) Each municipality, acting jointly with another pursuant to the provisions of this section, is authorized and empowered to enact, concurrently with the other municipalities involved, such ordinances as are provided for by RCW 14.08.120(2), and to fix by such ordinances penalties for the violation thereof. When so adopted, the ordinances have the same force and effect within the municipalities and on any property jointly controlled by them or adjacent thereto, whether within or outside the territorial limits of either or any of them, as ordinances of each municipality involved, and may be enforced in any one of the municipalities in the same manner as are its individual ordinances. The consent of the state secretary of transportation to any such ordinance, where the state is a party to the joint venture, is equivalent to the enactment of the ordinance by a municipality. The publication provided for in RCW 14.08.120(2) shall be made in each municipality involved in the manner provided by law or charter for publication of its individual ordinances.

(9) Condemnation proceedings shall be instituted, in the names of the municipalities jointly, and the property acquired shall be held by the municipalities as tenants in common. The provisions of RCW 14.08.030(2) apply to such proceedings.

(10) For the purpose of providing funds for necessary expenditures in carrying out the provisions of this section, a joint fund shall be created and maintained, into which each of the municipalities involved shall deposit its proportionate share as provided by the joint agreement. Such funds shall be provided for by bond issues, tax levies, and appropriations made by each municipality in the same manner as though it were acting separately under the authority of this chapter. The revenues obtained from the ownership, control, and operation of the airports and other air navigation facilities jointly controlled shall be paid into the fund, to be expended as provided in this chapter. Revenues in excess of cost of maintenance and operating expenses of the joint properties shall be divided or allowed to accumulate for future anticipated expenditures as may be provided in the original agreement, or amendments thereto, for the joint venture. The action of municipalities involved in heretofore permitting such revenues to so accumulate is declared to be legal and valid.

(11) The governing body may by joint directive designate some person having experience in financial or fiscal matters as treasurer of the joint operating agency. Such a treasurer shall possess all the powers, responsibilities, and duties that the county treasurer and auditor possess for a joint operating agency related to creating and maintaining funds, issuing warrants, and investing surplus funds. The governing body may, and if the treasurer is not the county treasurer it shall, require a bond, with a surety company authorized to do business in the state of Washington, in an amount and under the terms and conditions which the governing body finds will protect the joint operating agency. The premium on such bond shall be paid by the joint operating agency. All disbursements from the joint fund shall be made by order of the board in accordance with such rules and regulations and for such purposes as the appointing governing bodies, acting jointly, shall prescribe. If no such joint directive is made by the governing appointing bodies to designate a treasurer, then the provisions of RCW 43.09.285 apply to such joint fund.

(12) Specific performance of the provisions of any joint agreement entered into as provided for in this section may be enforced as against any party thereto by the other party or parties thereto."

On motion of Senator Bender, the following title amendment was adopted:  
On page 1, line 1 of the title, after "14.08.010" insert "and 14.08.200"

On motion of Senator Bender, the rules were suspended, Substitute House Bill No. 130, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 130, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 130, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senator McCaslin - 1.

Excused: Senator Lee - 1.

SUBSTITUTE HOUSE BILL NO. 130, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 585, by Committee on Transportation (originally sponsored by Representatives Nutley, Peery, Sutherland, Cooper, L. Smith, Walk and P. King)

Clarifying residency and nonresidency status for vehicle registration purposes.

The bill was read the second time.

#### MOTION

On motion of Senator Bender, the rules were suspended, Substitute House Bill No. 585 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 585.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 585 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Lee - 1.

SUBSTITUTE HOUSE BILL NO. 585, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 773 and the pending amendment by Senators Warnke, Newhouse and Nelson on page 2, line 21, deferred earlier today.

#### RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Talmadge, the President finds that Substitute House Bill No. 773 is a measure allowing county auditors to investigate and cancel invalid voter registrations.

"The amendment proposed by Senators Warnke, Newhouse and Nelson authorizes the Secretary of State to propose a voter registration system with a voter identification number for all registered voters.

"The President, therefore, finds that the proposed amendment does not change the scope and object of the bill and that the point of order is not well taken."

The amendment by Senators Warnke, Newhouse and Nelson was ruled in order.

Debate on the amendment by Senators Warnke, Newhouse and Nelson ensued.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Warnke, Newhouse and Nelson.

#### ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 27; nays, 21; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Saling, Sellar, Smitherman, Stratton, Warnke, West, Zimmerman - 27.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Moore, Rasmussen, Rinehart, Talmadge, Tanner, Vognild, von Reichbauer, Williams, Wojahn - 21.

Excused: Senator Lee - 1.

#### MOTION

Senator Talmadge moved that further consideration of Substitute House Bill No. 773 be deferred.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Talmadge to defer further consideration of Substitute House Bill No. 773.

The motion by Senator Talmadge carried and further consideration of Substitute House Bill No. 773 was deferred.

There being no objection, the President advanced the Senate to the eighth order of business.

#### MOTION

On motion of Senator Gaspard, the following resolution was adopted:

#### SENATE RESOLUTION 1987-8642

by Senators Gaspard, Hansen, Warnke, Sellar and Anderson

WHEREAS, On April 11, 1987, Central Washington University will recognize the successful basketball coaching careers of Leo and Dean Nicholson; and

WHEREAS, Leo and Dean Nicholson, with a combined 1,028 victories, are the winningest father and son coaching team in college basketball history and are the only team to reach and surpass the 1,000 win plateau; and

WHEREAS, Leo Nicholson achieved a 505-281 record over thirty-three seasons; and

WHEREAS, Dean Nicholson has achieved a 523-193 record over twenty-three seasons, and has led his teams to the National Association of Intercollegiate Athletics National Tournament twenty times; and

WHEREAS, Central Washington University basketball teams have appeared in the NAIA national tournament a record twenty-one times, have recorded the second highest number of tournament wins with thirty-five, and have appeared in the final four of the NAIA tournament five times, more than any other school except one; and

WHEREAS, Leo and Dean Nicholson are members of the NAIA Hall of Fame and charter members of the Central Washington University Hall of Fame; and

WHEREAS, The NAIA celebrated its fiftieth national basketball tournament in 1987 and selected Dean Nicholson as one of the top five coaches for that period; and

WHEREAS, Dean Nicholson received Central Washington University's distinguished teacher award in 1983; and

WHEREAS, More than sixty of Dean's former players are currently active in coaching;

NOW, THEREFORE, BE IT RESOLVED, That the Senate commends and congratulates Dean Nicholson, and Central Washington University on behalf of the late Leo Nicholson, for their coaching accomplishments and personal characteristics which reflect all that is good about athletic competition and sportsmanship; and

BE IT FURTHER RESOLVED, That the Senate does hereby declare April 11, 1987, as Coach Nicholson Day; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to Dean Nicholson and to Central Washington University.

Senators Gaspard and Anderson spoke to the resolution.

#### MOTION

At 5:47 p.m., on motion of Senator Vognild, the Senate adjourned until 9:00 a.m., Thursday, April 9, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## EIGHTY-EIGHTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Thursday, April 9, 1987

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Sellar, Smitherman, West and Wojahn. On motion of Senator Bender, Senator Wojahn was excused. On motion of Senator Zimmerman, Senator Sellar was excused.

The Sergeant at Arms Color Guard, consisting of Pages Michelle Vrooman and Sencie Fairman, presented the Colors. Reverend Avery Finger, pastor of the Evangel Temple Church of God of Olympia, offered the prayer.

#### MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

#### MESSAGE FROM THE HOUSE

April 9, 1987

Mr. President:

The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 4415, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 4415.

There being no objection, the President advanced the Senate to the sixth order of business.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 147, by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Lux, Winsley, Nutley, Chandler, Day, P. King, Dellwo and Zellinsky)

Revising provisions relating to credit insurance.

The bill was read the second time.

#### MOTION

On motion of Senator Vognild, the rules were suspended. Substitute House Bill No. 147 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 147.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 147 and the bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 45.

Absent: Senators Smitherman, West - 2.

Excused: Senators Sellar, Wojahn - 2.

SUBSTITUTE HOUSE BILL NO. 147, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 205, by Representative Madsen (by request of Department of Revenue)

Transferring assessment authority for motor vehicle transportation companies to county assessors.

The bill was read the second time.

#### MOTION

On motion of Senator McDermott, the rules were suspended, House Bill No. 205 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 205.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 205 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Tanner, Vogt, von Reichbauer, Warnke, West, Williams, Zimmerman - 46.

Absent: Senator Smitherman - 1.

Excused: Senators Sellar, Wojahn - 2.

HOUSE BILL NO. 205, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Bender, Senator Smitherman was excused.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 425, by Committee on Energy and Utilities (originally sponsored by Representatives Nelson, Barnes, Jacobsen, P. King and Unsoeld) (by request of Washington State Energy Office)

Revising provisions on district heating systems.

The bill was read the second time.

#### MOTION

On motion of Senator Williams, the following Committee on Energy and Utilities amendment was adopted:

Strike everything beginning on page 2, line 35, through page 3, line 7, and insert the following:

"(1) It is the intent of the legislature that heating systems authorized pursuant to this chapter be developed in a way that minimizes any long-term rate impacts on customers of existing utilities.

(2) Counties, cities, towns, irrigation districts which distribute electricity, sewer districts, water districts, ((and)) port districts, and metropolitan municipal corporations are authorized pursuant to this chapter to establish heating systems and ((provide)) supply heating services from Washington's heat sources ((including, but not limited to, geothermal heat, steam or water heated by a biomass energy system, waste heat, and energy from a cogeneration facility)).

(3) Before a municipality may establish by ordinance a heating system or supply heating services, it shall conduct a public hearing and assess the long-term impacts on rates of utility customers in the area proposed to be served.

(4) Nothing in this chapter authorizes any municipality to generate, transmit, distribute, or sell electricity."

## MOTION

On motion of Senator Williams, the rules were suspended, Substitute House Bill No. 425, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 425, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 425, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Sellar, Smitherman - 2.

SUBSTITUTE HOUSE BILL NO. 425, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 406, by Representatives Sayan, Patrick, H. Sommers, Holland, Grimm, Belcher, Wang and Hine

Revising provisions on retirement service credit for members of committees, boards and commissions.

The bill was read the second time.

## MOTION

On motion of Senator McDermott, the rules were suspended, House Bill No. 406 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 406.

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 406 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Sellar, Smitherman - 2.

HOUSE BILL NO. 406, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 440, by Committee on Ways and Means/Appropriations (originally sponsored by Representatives Unsoeld, Belcher, Jacobsen, Sayan, Lux and Holm)

Revising provisions relating to retirement of elected officials of cities and towns.

The bill was read the second time.

## MOTIONS

On motion of Senator McDermott, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

\*Sec. 1, Section 13, chapter 274, Laws of 1947 as last amended by section 5, chapter 317, Laws of 1986 and RCW 41.40.120 are each amended to read as follows:

Membership in the retirement system shall consist of all regularly compensated employees and appointive and elective officials of employers, as defined in this chapter, with the following exceptions:

(1) Persons in ineligible positions;

(2) Employees of the legislature except the officers thereof elected by the members of the senate and the house and legislative committees, unless membership of such employees be authorized by the said committee;

(3) (a) Persons holding elective offices or persons appointed directly by the governor: PROVIDED, That such persons shall have the option of applying for membership during such periods of employment: AND PROVIDED FURTHER, That any persons holding or who have held elective offices or persons appointed by the governor who are members in the retirement system and who have, prior to becoming such members, previously held an elective office, and did not at the start of such initial or successive terms of office exercise their option to become members, may apply for membership to be effective during such term or terms of office, and shall be allowed to establish the service credit applicable to such term or terms of office upon payment of the employee contributions therefor by the employee with interest as determined by the director and employer contributions therefor by the employer or employee with interest as determined by the director: AND PROVIDED FURTHER, That all contributions with interest submitted by the employee under this subsection shall be placed in the employee's individual account in the employee's savings fund and be treated as any other contribution made by the employee, with the exception that any contributions submitted by the employee in payment of the employer's obligation, together with the interest the director may apply to the employer's contribution, shall not be considered part of the member's annuity for any purpose except withdrawal of contributions;

(b) A member holding elective office in a town or city who has elected to apply for membership pursuant to (a) of this subsection and who later wishes to be eligible for a retirement allowance shall have the option of ending his or her membership in the retirement system. A member wishing to end his or her membership under this subsection must file, on a form supplied by the department, a statement indicating that the member agrees to irrevocably abandon any claim for service for future periods served as an elected official of a town or city. A member who receives more than ten thousand dollars per year in compensation for his or her elective service is not eligible for the option provided by this subsection (3)(b);

(c) A person who was eligible to establish membership under (a) of this subsection prior to October 1, 1977, is entitled to pay the required member contributions, not later than June 30, 1988, from the time of initial eligibility for membership to the present, with such interest as determined by the director; and membership shall be granted in the system as if the person were first employed and held membership prior to October 1, 1977;

(4) Employees holding membership in, or receiving pension benefits under, any retirement plan operated wholly or in part by an agency of the state or political subdivision thereof, or who are by reason of their current employment contributing to or otherwise establishing the right to receive benefits from any such retirement plan: PROVIDED, HOWEVER, In any case where the retirement system has in existence an agreement with another retirement system in connection with exchange of service credit or an agreement whereby members can retain service credit in more than one system, such an employee shall be allowed membership rights should the agreement so provide: AND PROVIDED FURTHER, That an employee shall be allowed membership if otherwise eligible while receiving survivor's benefits: AND PROVIDED FURTHER, That an employee shall not either before or after June 7, 1984, be excluded from membership or denied service credit pursuant to this subsection solely on account of enrollment under the relief and compensation provisions or the pension provisions of the volunteer firemen's relief and pension fund under chapter 41.24 RCW;

(5) Patient and inmate help in state charitable, penal, and correctional institutions;

(6) "Members" of a state veterans' home or state soldiers' home;

(7) Persons employed by an institution of higher learning or community college, primarily as an incident to and in furtherance of their education or training, or the education or training of a spouse;

(8) Employees of an institution of higher learning or community college during the period of service necessary to establish eligibility for membership in the retirement plans operated by such institutions;

(9) Persons rendering professional services to an employer on a fee, retainer, or contract basis or when the income from these services is less than fifty percent of the gross income received from the person's practice of a profession;

(10) Persons appointed after April 1, 1963, by the liquor control board as agency vendors;

(11) Employees of a labor guild, association, or organization: PROVIDED, That elective officials and employees of a labor guild, association, or organization which qualifies as an employer within this chapter shall have the option of applying for membership;

(12) Persons hired in eligible positions on a temporary basis for a period not to exceed six months: PROVIDED, That if such employees are employed for more than six months in an eligible position they shall become members of the system;

(13) Persons employed by or appointed or elected as an official of a first class city that has its own retirement system: PROVIDED, That any member elected or appointed to an elective office on or after April 1, 1971, shall have the option of continuing as a member of this system in lieu of becoming a member of the city system. A member who elects to continue as a member of this system shall pay the appropriate member contributions and the city shall pay the employer contributions at the rates prescribed by this chapter. The city shall also transfer to this system all of such member's accumulated contributions together with such further amounts as necessary to equal all employee and employer contributions which would have been paid into this system on account of such service with the city and thereupon the member shall be granted credit for all such service. Any city that becomes an employer as defined in RCW 41.40.010(4) as the result of an individual's election under the first proviso of this subsection shall not be required to have all employees covered for retirement under the provisions of this chapter. Nothing in this subsection shall prohibit a city of the first class with its own retirement system from transferring all of its current employees to the retirement system established under this chapter. Notwithstanding any other provision of this chapter, persons transferring from employment with a first class city of over four hundred thousand population that has its own retirement system to employment with the state department of agriculture may elect to remain within the retirement system of such city and the state shall pay the employer contributions for such persons at like rates as prescribed for employers of other members of such system;

(14) Employees who (a) are not citizens of the United States, (b) do not reside in the United States, and (c) perform duties outside of the United States;

(15) Employees who (a) are not citizens of the United States, (b) are not covered by chapter 41.48 RCW, (c) are not excluded from membership under this chapter or chapter 41.04 RCW, (d) are residents of this state, and (e) make an irrevocable election to be excluded from membership, in writing, which is submitted to the director within thirty days after employment in an eligible position;

(16) Employees who are citizens of the United States and who reside and perform duties for an employer outside of the United States: PROVIDED, That unless otherwise excluded under this chapter or chapter 41.04 RCW, the employee may apply for membership (a) within thirty days after employment in an eligible position and membership service credit shall be granted from the first day of membership service, and (b) after this thirty-day period, but membership service credit shall be granted only from the date of application;

(17) The city manager or chief administrative officer of a city or town who serves at the pleasure of an appointing authority: PROVIDED, That such persons shall have the option of applying for membership within thirty days from date of their appointment to such positions. Persons serving in such positions as of April 4, 1986, shall continue to be members in the retirement system unless they notify the director in writing prior to December 31, 1986, of their desire to withdraw from membership in the retirement system. A member who withdraws from membership in the system under this section shall receive a refund of the member's accumulated contributions.

Sec. 2. Section 10, chapter 295, Laws of 1977 ex. sess. and RCW 41.40.690 are each amended to read as follows:

No retiree under the provisions of RCW 41.40.610 through 41.40.740 shall be eligible to receive such retiree's monthly retirement allowance if such retiree is performing service for any nonfederal public employer in this state. A retiree who ends his or her membership in the retirement system pursuant to RCW 41.40.120(3)(b) is not subject to this section if the retiree's only employment is as an elective official of a city or town.

Upon cessation of service for any nonfederal public employer in this state such retiree shall have benefits actuarially recomputed pursuant to the rules adopted by the department."

On motion of Senator McDermott, the following title amendment was adopted:

On page 1, beginning on line 2 of the title, after "town;" strike the remainder of the title and insert "and amending RCW 41.40.120 and 41.40.690."

#### MOTION

On motion of Senator McDermott, the rules were suspended, Substitute House Bill No. 440, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 440, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 440, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Sellar, Smitherman - 2.

SUBSTITUTE HOUSE BILL NO. 440, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President advanced the Senate to the ninth order of business.

## MOTION FOR RECONSIDERATION

Having served prior notice, Senator Warnke moved to reconsider the vote by which Engrossed Substitute House Bill No. 114 failed to pass the Senate April 8, 1987. Debate ensued.

The President declared the question before the Senate to be the motion by Senator Warnke to reconsider the vote by which Engrossed Substitute House Bill No. 114 failed to pass the Senate.

The motion by Senator Warnke for reconsideration of Engrossed Substitute House Bill No. 114 carried.

## MOTION

On motion of Senator Vognild, further consideration of Engrossed Substitute House Bill No. 114, on reconsideration, was deferred.

At 9:32 a.m., the Senate retired to the House Chambers for the purpose of a joint session.

JOINT SESSION

The Sergeants at Arms of the Senate and the House announced the arrival of the Senate at the bar of the House.

The Speaker instructed the Sergeants at Arms to escort the President of the Senate, John A. Cherberg, to the rostrum.

The Speaker instructed the Sergeants at Arms to escort the Senators to seats on the House floor.

## REMARKS BY THE SPEAKER

Speaker King: "It is a pleasure for me to give you the gavel to preside over this joint session, Governor Cherberg. In doing so, I wish to remind all of those present today that the purpose for this occasion originated in the House of Representatives. We are proud that one of our members, Representative John L. O'Brien, originated the idea for the Washington State Medal of Merit and was prime sponsor of the bill establishing this recognition. For that reason, all of us in the House feel that it is particularly appropriate that we should be hosts for this initial presentation ceremony. We welcome you, Governor Cherberg, our colleagues from the Senate, state elected officials, members of the Supreme Court, Medal recipients and all other guests who are with us today."

The Speaker presented the gavel to President Cherberg.

## REMARKS BY THE PRESIDENT

President Cherberg: "The purpose of the Joint Session is to present the first-ever Washington State Medal of Merit to the four most deserving Washington State citizens who have been distinguished by exceptionally meritorious conduct in performing outstanding services to the people and the state of Washington."

The President of the Senate appointed Representatives Doty and Wineberry and Senators Wojahn and Newhouse to escort Governor Booth Gardner from the State Reception Room to a seat on the rostrum.

The President of the Senate appointed Representatives Wang and Nealey and Senators Hayner and Warnke to escort Justice James Dolliver from the State Reception Room to a seat on the rostrum.

The President of the Senate introduced Governor Booth Gardner.

REMARKS BY THE GOVERNOR  
INTRODUCTION OF ORVILLE A. VOGEL

Governor Gardner: "It is my pleasure to present the Merit Award today to Orville A. Vogel. For almost fifty years, Mr. Vogel has been Washington's leading agricultural commodity expert and our leading agricultural commodity has been soft white wheat. For fifty years, it has set economic stability in many regions of the state and in more personal terms a stable livelihood for countless Washington farmers. One person--one person did more to develop this crop and was a major contributor to our economy than any other single individual--Dr. Orville Vogel. A professor, a wheat breeder, a research scientist, an equipment inventor, through countless scientific and humanitarian endeavors, he has had a huge impact on the quality of life in our state and around the world. Among his many successful projects, he led the U.S. Department of Agriculture in Washington State University research teams to develop the first commercially successful semi-dwarf wheat variety in Washington State and in North America. This breakthrough has boosted Pacific Northwest wheat yield by twenty-five percent, breaking all world wheat yields. His pioneering work made a major contribution to the Green Revolution for which Dr. Norman Borlaug received the Nobel Peace Prize in 1970.

"In this case, Dr. Vogel's contributions went beyond wheat breeding. He is also a noted inventor. His special research plot planters and harvesters have automated the cultural practices of plant breeding. His work continues even in retirement. In 1980, Dr. Vogel launched the Orville A. Vogel Wheat Research Fund and has helped to raise more than \$500,000 for research to expand crop yields. It has not gone without notice.

"In 1977, he received the National Medal of Science from President Ford and in 1977, he received from his alma mater, Washington State University, the Distinguished Alumnus Award. It is appropriate today to honor this man with our state's highest award. Dr. Vogel has done so much for the state of Washington and so much to feed the world that anything that we can give him is, indeed, very small thanks for a job well done. May we have a round of applause for Dr. Vogel?"

Governor Gardner presented the Medal of Merit to Dr. Orville A. Vogel.

REMARKS BY DR. ORVILLE A. VOGEL

Dr. Vogel: "Mr. Governor, members of the Legislature, honored guests, ladies and gentlemen. It is indeed a humbling experience to be a representative of a team effort of the United States Department of Agriculture and Washington State University to grow and develop wheat that is more nearly produced to take the applicability of a climate and soil. This honor has been the result of something we discovered and were cognizant of thirty years ago as a result of twenty-five years of experience and work before this time. This would not have been possible if it had not been for this body, the State Legislature, that provided WSU with the constant upgrading of facilities, technical expertise and a willingness to let us, the team members, experiment through trial and error to come up with the kind of wheat that now represents in practical production nearly as high as our climate and soil will permit.

"So much for the past; my concern is for the future. With the reduction of federal support for wheat variety development, it is imperative that Washington, through its representatives, through its growers, through its research staff, through its administration see to it that there is an ever-continuing research supporting the new development of new varieties to meet the monstrously increased numbers of hazards. These are soil micro bionomical; they are weather hazards and above all, EPA or people hazards. A wheat grower now, as compared to one fifty years ago,

has so many restrictions and so many hazards and such a low price that if this state is going to be profitably producing wheat, it will be the result of new research or technically oriented research in the future and because I believe so firmly in that my wife and I, as has been pointed out, started an endowment. The endowment presently has a market value of \$615,000. It has deferred gifts such as trusts and bonds worth several million more, so maybe twenty years from now the Vogel Wheat Research Fund will be producing \$100,000 or more annually for research. This sounds big, but actually, it is a drop in the bucket compared to the kind of research and teaching that is necessary to maintain our level and our leadership in the development of agricultural products. Wheat is only one. Thank you."

The President of the Senate introduced Representative Joseph E. King, Speaker of the House of Representatives.

REMARKS BY THE SPEAKER  
INTRODUCTION OF DR. LESTER SAUVAGE

Speaker King: "It is with a great deal of honor that I would like to introduce to you today, a native of Washington--Wapato, Washington--Dr. Lester Sauvage, who has so much improved the quality of lives in the state of Washington. In 1961, Dr. Sauvage pioneered successfully the coronary bypass surgery, now the most frequently performed heart surgery in the world. A graduate of St. Louis University School of Medicine, Dr. Sauvage entered private practice in Seattle in 1959. He founded the Bob Hope International Heart Research Institute in '61 and has served as the Director since that time. Through his work at the Institute, Dr. Sauvage has been instrumental in sharing his micro biological procedure and research with surgeons throughout the world. To date, surgeons from fourteen countries have completed scholarships at the Institute. Dr. Sauvage and the Institute have been credited with advancing cardio-vascular surgery and patient care, advancing the development of artificial heart valves and developing an improved line of artificial arteries. I think we might have a legislator or Senator in the back row that has benefited from some of Dr. Sauvage's techniques. While his interest in surgical research has been a strong motivating force in his life, Dr. Sauvage is also an active well-known cardio-vascular surgeon. His surgical caseload numbers almost three-hundred people a year.

"As is often the case with people with Type A personalities, Dr. Sauvage's sharing and time commitments carry over to an extensive community involvement. He is a past Jefferson Award winner; has received awards from the National Conference of Christians and Jews, the Wright Foundation and the Seattle Rotary Club. It is with a great deal of privilege to honor you today with the Washington Medal of Merit.

The Speaker presented the Medal of Merit to Dr. Sauvage.

REMARKS BY DR. LESTER SAUVAGE

Dr. Sauvage: "Speaker King, Governor Gardner, Lieutenant Governor Cherberg, Senators and Representatives, honored guests. I think I'm the only one here who wonders the reason why he is here. I know why the other people are here and to be in such company really astounds me. I wasn't going to question, however, because I relish the opportunity to be here. I mean, who wouldn't? I think it might be of some interest to you wonderful people out here for giving your time and effort to run this state, and most of you do it with relatively little thanks. You can ask the Governor. If it wasn't for you folks, nothing would happen. The reason I am here is because of a lot of people. I get the credit for a lot of things that might pass as judge. As I look back over the years I can remember when we would have been out of business if it hadn't been for this gentleman who is right behind me here, Senator Magnuson. We couldn't get money for research. Senator Magnuson was the one who got money, so that our work could continue.

"It has gotten today, from the standpoint of The National Institution of Health, it is very difficult to get money and we've gone more and more toward asking people as opposed to government, but in the early days, there is no question, I would have never been here with you today if it had not been for Senator Magnuson. I wish to publicly again thank you, Senator Magnuson.

"Also, Dorothy Bullitt has been a strong supporter of our work. I would like to say for just a moment in terms of—people ask me, 'Where does Mr. Hope enter into the work that you are connected with?' Mr. Hope is an amazing gentleman. All I can say is, 'What a man!' He has taken a position of leadership with respect to our work and is putting his money behind it. He's putting his prestige behind it and this will become increasingly apparent in the next year. What are the objectives of the Hope Institute? There are two. They are very simple—to help, along with others. The University of Washington is a wonderful example of where marvelous work is going on—Russell Ross and others at the University of Washington.

"We have our role to play, too. It's to add to that sum total of human knowledge that's going to help people avoid becoming patients. We're talking about a deadly epidemic. Half of us in this room are going to die of heart and blood vessel disease. That equals that due to all other causes of death put together. We're not talking about something that happens to somebody else out there, we're talking about something that will take half of us in this room. Strokes that kill, you know, late, but they cripple long before they call us in death. Heart attacks account for about a million deaths per year. Aneurysms, difficulty with extremities. We can make a difference. I do believe that by the year 2000, major advances can be made that are going to drop this terrible toll.

"The second object of the Hope Heart Institute is to help add to that knowledge that is going to decrease the percentage of people who must have one operation, who have to have another—and another and another. It has become a way of life for a lot of people to have to pay that annual visit to the operating room. At least twenty percent of cardio-vascular surgery being done today is reoperative surgery and it's getting larger all the time. What's the future? The future is in education and if we're going to make a major difference in terms of the instance of people getting heart and blood vessel disease, it's going to have to start in childhood, in instructing children.

"Take smoking, for example. In our age group, there aren't a whole lot of people who are smoking, but you go to the high schools and it's very, very high. The whole cigarette industry is focusing in on the high school students. We need education and I'm sure that with continued research that this battle is going to be won by the year 2000—in terms of heart and blood vessel disease.

"People think I'm a bit peculiar and they're right. I ask my patients, 'What do you want to live longer for?' And I ask each of you that, 'Why do you want to live longer?' I ask myself this and I think it's a pertinent question for all of us in our materialistic society to ask ourselves. I think this is part of the heart, too. If we're talking about having people live longer instead of having them die with a nice heart attack when they are age seventy, we need to start thinking if we are going to remove these premature causes of death, either by removing heart disease and removing cancer and if you stop and think of it for a moment, if we got rid of all heart and blood vessel disease, people would live on an average, ten years longer. That's all. If you got rid of all cancer, people would live on an average of four years longer. You see? We are still going to come to that natural termination. It is high time that in most other things that we begin to think in terms of how we are going to speak to the inspirational aspects of life that enable people to look down that hallway toward the transition to eternity. I'm speaking from a philosophical standpoint that really embraces the five great religions of mankind because there is more that unites us than separates us—to help people as St. Francis of Assisi said, 'Lord, help me to become an instrument of Thine ministry.' I think that as we help people live longer, it is my firm conviction that we cannot help people find happiness with advancing years without a sense of generic spirituality. I think in our materialistic society that we need to give importance to that. I, again, wish to thank you for having honored me in a way that is a high point of my life. Thank you."

The President of the Senate introduced Justice James M. Dolliver.

REMARKS BY JUSTICE DOLLIVER  
INTRODUCTION OF DOROTHY BULLITT

Justice Dolliver: "There is a charming story told that in the 19th Century a visitor to London inquired about the great architect Wren and looked around and said, 'Where are the monuments to Christopher Wren in your city?' And the person

responded by looking at him and said, 'If you would seek his monument, look around you.' Indeed, if one would seek the monuments to Dorothy Bullitt, one would look around the history of the state of Washington nearly since its beginning because she was born in the family home on Queen Anne Hill in the year 1892 and her career has nearly spanned the statehood of our state. If one looks at the cultural, to the business, to the civic history of the state of Washington, one must indeed see the monument to Dorothy Bullitt.

"In 1932, she took over the family business interests and in 1947 she, with some associates, founded the enterprise which is best known in our community as KING Broadcasting. Since that day, KING has purchased and has interests all over the state. She has a number of other business interests as well. From all this she has received a substantial number of honors. KING Broadcasting has received the George Foster Peabody Award for Youth and Children, the Thomas A. Edison Award for stations that best serve young people.

"Outside of her business interests, she has been an extraordinarily active person in the community. For many years, she served on the Board of Regents at the University of Washington and in 1983 she received the University of Washington Recognition Award. She has had a number of honorary degrees and awards from a variety of groups in our community. She was named Seattle's Woman of Achievement by the Seattle Business and Professional Women's Club. She was named Seattle's First Citizen by the Seattle Real Estate Board in 1959 and was named the Pioneer Woman Broadcaster by the state Chapter of the American Women in Radio and TV.

"Numerous charities which she has endowed throughout the state have made this state the kind of good state it is in which to live. I mention one in particular. Not too many years ago, she endowed a Chair in History at the University of Washington, which has been held by such distinguished persons as Professor Commager and Professor Freidel. It is my pleasure today to introduce to you, to receive on behalf of her grandmother, this Award of Merit, her granddaughter and namesake, Dorothy Bullitt."

The Chief Justice presented the Medal of Merit to Dorothy Bullitt, the granddaughter of the honoree.

#### REMARKS BY DOROTHY BULLITT

Dorothy Bullitt: "I suspect you all thought I got a facelift. Thank you all. Thank you, Governor and Justice Dolliver. My grandmother regrets being unable to attend today, sort of, because she is relieved she doesn't have to do this sort of thing anymore. She asked me to thank you all and to let you know she appreciates the recognition that this award implies.

"The last time I represented my grandmother at an award ceremony was in 1969 when she was awarded the Citizen of the Year Award by the Seattle Board of Realtors. I was four at the time and I crawled under the table. I promise I won't do that today. The four people who are being honored here today have each made a large and valuable contribution to the citizens of the state. Each have led a very different kind of life. My grandmother's life has spanned most of the state's history and her efforts on behalf of the citizens extend back to the early part of this century. An example of her civic contributions in the years before her interest in broadcasting, where most of you are familiar about her achievements, was in the 1930's when she served as the Chairman of the State Relief Commission. Senator Magnuson and I were talking about it beforehand, by coincidence. That Commission was set up during the depression to provide federal funds to projects intended to provide work for the unemployed. The Commission's responsibility was to determine which projects were appropriate to fund and which were not. In her capacity as Chairman of that Commission, she signed many documents, one of which authorized something called an Irrigation Project in eastern Washington. That turned out to be the Grand Coulee Dam.

"We're not in a depression anymore and we don't need any more dams on the Columbia River, we all know that, but those issues have been replaced by new ones and the communities' needs are ongoing and they are never ending. My grandmother recognized that and she took responsibility seriously as a citizen to help address the communities' needs. By doing so, she created a life that is worth

emulating and I'm proud to be her granddaughter and I'm proud to share her name and I'm proud to accept this award on her behalf. Thank you."

REMARKS BY THE PRESIDENT  
INTRODUCTION OF SENATOR WARREN G. MAGNUSON

President Cherberg: "I am indeed honored and proud to have the privilege of introducing our good friend, "Maggie." Many of us individuals have served in the Legislature, some going on for laudable careers in public service, but Senator Warren G. Magnuson is truly in a class by himself. His forty-eight years of public service have yet to be equaled. His forty-four years in the Congress is a record only half a dozen in the history of our nation have achieved. His twenty-five years service as Chairman of a major committee in the United States Senate has a record no other member has equaled. A number of laws and programs are now in the United States Code with his name, his imprint is another unequaled record.

"Behind all those records, there is even more. There is a quality of public service that may never be equaled: What he did to help protect the environment; what he did to help protect consumers in the marketplace; what he did to promote economic development; what he did to reopen trade and commerce with the People's Republic of China; what he did to bring water to over a million acres of arid land in eastern Washington; what he did to foster educational broadcasting; what he did to preserve television channels for public television; what he did to open college doors with student loans; what he did to help others find the cures to dread diseases; what he did to help others push out the frontiers of basic scientific discovery for what we know it today. That list could go on and on. There are two common threads, protecting the national heritage we all should enjoy while we preserve it for those to come and compassion for those among us who may need a helping hand. People throughout the world live longer, live better because of the things that Senator Magnuson did during his years of public service. And billions of those people will never know of this champion from the state of Washington and what he did for them. We, in Washington State, have been especially blessed to have had Senator Magnuson serve as long and so well for us. Many of us are even more blessed to have known him as a friend, a true friend for all seasons. The one, the only, "Maggie."

The President presented the Medal of Merit to Senator Warren G. Magnuson.

REMARKS BY SENATOR MAGNUSON

Senator Magnuson: "Governor Gardner, distinguished guests, ladies and gentlemen. Thank you, John, for that generous introduction. I sorely wish my mother and father were alive to witness this. My father would have enjoyed it; my mother wouldn't have believed it. It's so true. Dr. Sauvage, I thank you for your kind remarks, too.

"I am unaccustomed to speaking to legislators lately, but this award, of course, has several meanings for me. Fifty-four years ago, I sat in this body in an outside seat in the second row. A lot of water has gone over the dam since then. It was the beginning of a long career for me, a career which spanned fifty years and all but two of those years have been as a legislator. I cherish those years and I'm glad for this honor here today. I deeply appreciate it.

"In two years, this state will celebrate its one hundredth anniversary. Governor, I suspect you are making preparations for it now. It's inconceivable to me that I have served in public office one-half of those hundred years—fifty long years and all but two of them in a legislative body. I can understand and I know well the trials and tribulations that legislators go through. That was a historic session in '54 when I served down here. Times were bad all over. This state had a thirty-nine percent unemployment rate. That was just the common. There were a lot of marches on Olympia, but they were hunger marches—people actually hungry—coming to the Legislature for help. We met that challenge like you folks are meeting the challenge here today. We had a sixty day session in those days and we tried to run a lot of legislation to work out the problems of the times. We stopped the clock and went on, but the Supreme Court, I guess, caught us at that and we can't do that anymore. It's with great pride that I feel toward this body.

"We established--Mrs. Bullitt was instrumental in this--the first WPA project in the whole United States and we established an old age pension system and that was the beginning of what is now Social Security. I had the advantage that I introduced the Old Age Pension Bill, it's a hard thing to believe, but it's true. In those days there were county poor houses. How many remember county poor houses? The popular song of the day was 'Over the Hill to the Poor House.' Well, we abolished the poor houses and made the start of Social Security. I remember Franklin D. Roosevelt once introducing me after I had gone to Congress, he said, 'Here's the young man who started the WPA Projects in the United States.' It wasn't quite true. And so we move along. I started a career from that second row seat in Washington for a half century.

"I think I can speak to you people as friends and colleagues. I sometimes wonder if you think like I thought on many occasions as a legislator--'Is it all worthwhile? Are there any rewards for being a legislator?' You're sort of lost in the shuffle sometimes. Well, there is a great reward. There's a great reward in the satisfaction that you are contributing to the welfare and the community, the state and the nation.

"You sometimes wonder what's happening now. We had to make some tough decisions in those days and you are asked to make them now. All legislators are important. We don't have hunger marches anymore, but you do have a lot of people who are hungry. You've had some unemployment marches; there are lot of people who are still unemployed. I know you have goals and aims. It's great to be an American as I look at this body. It's great to be a citizen of this country. It's greater to be a resident of the state of Washington and be so honored as I am today. God speed your endeavors and I know that you know that you have the satisfaction of knowing deep down in that you are making a great contribution to the welfare of this state and this nation. I thank you for this award from the bottom of my heart. Thanks."

The President of the Senate instructed the escort committee to escort Governor Gardner from the House Chambers.

The President of the Senate instructed the escort committee to escort Justice DOLLIVER from the House Chambers.

The President of the Senate returned the gavel to the Speaker of the House.

#### MOTION

On motion of Representative McMullen, the Joint Session was dissolved.

The Senate was called to order at at 10:37 a.m. by President Cherberg.

There being no objection, the President returned the Senate to the sixth order of business.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 291, by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Fisher, Sanders, Belcher and Unsoeld) (by request of Secretary of State)

Revising procedures for voter challenges.

The bill was read the second time.

#### MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendments were considered simultaneously and adopted:

On page 3, line 28, after "~~voter~~" strike "if that address is known"

On page 4, line 27, after "address" strike "deemed appropriate by the county auditor" and insert "at which the individual whose registration is being challenged is alleged to reside or at which the county auditor would reasonably expect that individual to receive notice of the challenge of his or her voter registration"

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 291, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 291, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 291, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; absent, 3.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Barr, Bluechel, Cantu - 3.

SUBSTITUTE HOUSE BILL NO. 291, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 865, by Representatives Wang, Patrick, Sayan, Holland, Locke, H. Sommers and Grimm

Revising continued service credit for duty disability retirement recipients.

The bill was read the second time.

#### MOTION

On motion of Senator McDermott, the rules were suspended, House Bill No. 865 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 865.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 865 and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Cantu - 1.

HOUSE BILL NO. 865, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1067, by Representatives Unsoeld, Belcher, Jacobsen, Lux and H. Sommers

Revising actuarially equivalent options for public retirement allowances.

The bill was read the second time.

#### MOTION

On motion of Senator McDermott, the rules were suspended, House Bill No. 1067 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1067.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1067 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen,

Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognil, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

HOUSE BILL NO. 1067, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 10:55 a.m., on motion of Senator Vognil, the Senate was declared to be at ease.

The Senate was called to order at 2:23 p.m. by President Cherberg.

#### SIGNED BY THE PRESIDENT

The President signed:  
 SUBSTITUTE SENATE BILL NO. 5180,  
 SENATE BILL NO. 5327,  
 SENATE BILL NO. 5571,  
 SUBSTITUTE SENATE BILL NO. 5594.

#### SECOND READING

HOUSE BILL NO. 658, by Representatives Appelwick, Sanders, P. King and May Prescribing a nonnotarized filing form for precinct committeeman.

The bill was read the second time.

#### MOTION

On motion of Senator Talmadge, the rules were suspended, House Bill No. 865 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 658.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 658 and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vognil, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Tanner - 1.

HOUSE BILL NO. 658, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Vognil, Senator Tanner was excused.

#### SECOND READING

HOUSE BILL NO. 1090, by Representatives Jacobsen, Miller, Hine and P. King

Exempting from taxation certain nonprofit organizations involved with student loans.

The bill was read the second time.

#### MOTION

On motion of Senator McDermott, the rules were suspended, House Bill No. 1090 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1090.

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1090 and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, Metcalf, Moore, Nelson, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vogndil, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senators McDonald, Newhouse - 2.

Excused: Senator Tanner - 1.

HOUSE BILL NO. 1090, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 26, by Committee on Commerce and Labor (originally sponsored by Representatives Wang, Patrick, Sayan, Fisch, Walker, H. Sommers and R. King) (by request of Washington State Lottery)

Changing provisions relating to the lottery.

The bill was read the second time.

## MOTIONS

Senator Warnke moved that the following Committee on Commerce and Labor amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.010 are each amended to read as follows:

For the purposes of this chapter:

- (1) "Commission" means the state lottery commission established by this chapter;
- (2) "Lottery" or "state lottery" means the lottery established and operated pursuant to this chapter;
- (3) "Director" means the director of the state lottery ((~~commission~~)) established by this chapter.

Sec. 2. Section 4, chapter 7, Laws of 1982 2nd ex. sess. as amended by section 1, chapter 375, Laws of 1985 and RCW 67.70.040 are each amended to read as follows:

The commission shall have the power, and it shall be its duty:

(1) To promulgate such rules governing the establishment and operation of a state lottery as it deems necessary and desirable in order that such a lottery be initiated at the earliest feasible and practicable time, and in order that such lottery produce the maximum amount of net revenues for the state consonant with the dignity of the state and the general welfare of the people. Such rules shall include, but shall not be limited to, the following:

(a) The type of lottery to be conducted which may include the selling of tickets or shares, or the use of electronic or mechanical devices or video terminals which do not require a printed ticket: PROVIDED, That approval of the legislature shall be required before entering any agreement with other state lotteries to conduct shared games;

- (b) The price, or prices, of tickets or shares in the lottery;
- (c) The numbers and sizes of the prizes on the winning tickets or shares;
- (d) The manner of selecting the winning tickets or shares;
- (e) The manner and time of payment of prizes to the holder of winning tickets or shares which, at the director's option, may be paid in lump sum amounts or installments over a period of years;

(f) The frequency of the drawings or selections of winning tickets or shares, without limitation;

(g) Without limit as to number, the type or types of locations at which tickets or shares may be sold;

(h) The method to be used in selling tickets or shares, which may include the use of electronic or mechanical devices and video terminals;

(i) The licensing of agents to sell or distribute tickets or shares, except that a person under the age of eighteen shall not be licensed as an agent;

(j) The manner and amount of compensation, if any, to be paid licensed sales agents necessary to provide for the adequate availability of tickets or shares to prospective buyers and for the convenience of the public;

(k) The apportionment of the total revenues accruing from the sale of lottery tickets or shares and from all other sources among: (1) The payment of prizes to the holders of winning tickets or shares, which shall not be less than forty-five percent of the gross annual revenue

from such lottery, less amounts of unclaimed prizes deposited in the Washington housing trust fund under RCW 67.70.190, (ii) transfers to the lottery administrative account created by RCW 67.70.260, and (iii) transfer to the state's general fund. Transfers to the state general fund shall be made in compliance with RCW 43.01.050:

(1) Such other matters necessary or desirable for the efficient and economical operation and administration of the lottery and for the convenience of the purchasers of tickets or shares and the holders of winning tickets or shares.

(2) To ensure that in each place authorized to sell lottery tickets or shares, on the back of the ticket or share, and in any advertising or promotion there shall be conspicuously displayed an estimate of the probability of purchasing a winning ticket.

(3) To amend, repeal, or supplement any such rules from time to time as it deems necessary or desirable.

(4) To advise and make recommendations to the director for the operation and administration of the lottery.

Sec. 3. Section 5, chapter 7, Laws of 1982 2nd ex. sess. as last amended by section 21, chapter 158, Laws of 1986 and RCW 67.70.050 are each amended to read as follows:

There is created the office of director of the state lottery. The director shall be appointed by the governor with the consent of the senate. The director shall serve at the pleasure of the governor and shall receive such salary as is determined by the governor, but in no case may the director's salary be more than ninety percent of the salary of the governor. The director shall:

(1) Supervise and administer the operation of the lottery in accordance with the provisions of this chapter and with the rules of the commission.

(2) Appoint such deputy and assistant directors as may be required to carry out the functions and duties of his office: PROVIDED, That the provisions of the state civil service law, chapter 41.06 RCW, shall not apply to such deputy and assistant directors.

(3) Appoint such professional, technical, and clerical assistants and employees as may be necessary to perform the duties imposed by this chapter: PROVIDED, That the provisions of the state civil service law, chapter 41.06 RCW, shall not apply to such employees as are engaged in undercover audit or investigative work or security operations but shall apply to other employees appointed by the director, except as provided for in subsection (2) of this section.

(4) In accordance with the provisions of this chapter and the rules of the commission, license as agents to sell or distribute lottery tickets such persons as in his opinion will best serve the public convenience and promote the sale of tickets or shares. The director may require a bond from ~~(every)~~ any licensed agent, in such amount as provided in the rules of the commission. Every licensed agent shall prominently display his license, or a copy thereof, as provided in the rules of the commission. License fees may be established by the commission, and, if established, shall be deposited in the state lottery account created by RCW 67.70.230.

(5) Confer regularly as necessary or desirable with the commission on the operation and administration of the lottery; make available for inspection by the commission, upon request, all books, records, files, and other information and documents of the lottery; and advise the commission and recommend such matters as he deems necessary and advisable to improve the operation and administration of the lottery.

(6) Subject to the applicable laws relating to public contracts, enter into contracts for the operation of the lottery, or any part thereof, and into contracts for the promotion of the lottery. No contract awarded or entered into by the director may be assigned by the holder thereof except by specific approval of the commission: PROVIDED, That nothing in this chapter authorizes the director to enter into public contracts for the regular and permanent administration of the lottery after the initial development and implementation.

(7) Certify quarterly to the state treasurer and the commission a full and complete statement of lottery revenues, prize disbursements, and other expenses for the preceding quarter.

(8) Publish quarterly reports showing the total lottery revenues, prize disbursements, and other expenses for the preceding quarter, and make an annual report, which shall include a full and complete statement of lottery revenues, prize disbursements, and other expenses, to the governor and the legislature, and including such recommendations for changes in this chapter as the director deems necessary or desirable.

(9) Report immediately to the governor and the legislature any matters which require immediate changes in the laws of this state in order to prevent abuses and evasions of this chapter or rules promulgated thereunder or to rectify undesirable conditions in connection with the administration or operation of the lottery.

(10) Carry on a continuous study and investigation of the lottery throughout the state: (a) For the purpose of ascertaining any defects in this chapter or in the rules issued thereunder by reason whereof any abuses in the administration and operation of the lottery or any evasion of this chapter or the rules may arise or be practiced, (b) for the purpose of formulating recommendations for changes in this chapter and the rules promulgated thereunder to prevent such abuses and evasions, (c) to guard against the use of this chapter and the rules issued thereunder as a cloak for the carrying on of professional gambling and crime, and (d) to insure that

this chapter and rules shall be in such form and be so administered as to serve the true purposes of this chapter.

(11) Make a continuous study and investigation of: (a) The operation and the administration of similar laws which may be in effect in other states or countries. (b) The operation of an additional game or games for the benefit of a particular program or purpose. (c) any literature on the subject which from time to time may be published or available. ~~((c))~~ (d) any federal laws which may affect the operation of the lottery, and ~~((d))~~ (e) the reaction of the citizens of this state to existing and potential features of the lottery with a view to recommending or effecting changes that will tend to serve the purposes of this chapter.

(12) Have all enforcement powers granted in chapter 9.46 RCW.

(13) Perform all other matters and things necessary to carry out the purposes and provisions of this chapter.

Sec. 4. Section 2, chapter 4, Laws of 1986 and RCW 67.70.055 are each amended to read as follows:

The director, deputy directors, ~~((and))~~ any assistant directors, and employees of the state lottery and ~~((a))~~ members ~~((or employee))~~ of the lottery commission shall not:

(1) Serve as an officer or manager of any corporation or organization which conducts a lottery or gambling activity;

(2) Receive or share in, directly or indirectly, the gross profits of any lottery or other gambling activity regulated by the gambling commission;

(3) Be beneficially interested in any contract for the manufacture or sale of gambling devices, the conduct of a lottery or other gambling activity, or the provision of independent consultant services in connection with a lottery or other gambling activity.

Sec. 5. Section 12, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.120 are each amended to read as follows:

A ticket or share shall not be sold to any person under the age of eighteen, but this shall not be deemed to prohibit the purchase of a ticket or share for the purpose of making a gift by a person eighteen years of age or older to a person less than that age. Any licensee who knowingly sells or offers to sell a lottery ticket or share to any person under the age of eighteen is guilty of a misdemeanor. In the event that a person under the age of eighteen years directly purchases a ticket in violation of this section, that person is guilty of a misdemeanor. No prize will be paid to such person and the prize money otherwise payable on the ticket will be treated as unclaimed pursuant to RCW 67.70.190.

Sec. 6. Section 18, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.180 are each amended to read as follows:

A ticket or share shall not be purchased by, and a prize shall not be paid to any member of the commission, the director, or an employee of the ~~((commission))~~ lottery or to any spouse, child, brother, sister, or parent residing as a member of the same household in the principal place of abode of any member of the commission, the director or an employee of the ~~((commission))~~ lottery.

A violation of this section is a misdemeanor.

Sec. 7. Section 19, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.190 are each amended to read as follows:

Unclaimed prizes shall be retained in the state lottery ~~((fund))~~ account for the person entitled thereto for one hundred eighty days after the drawing in which the prize is won, or after the official end of the game for instant prizes. If no claim is made for the prize within this time, the prize shall be ~~((retained in the state lottery fund for further use as prizes))~~ deposited in the Washington housing trust fund under RCW 43.185.030 and all rights to the prize shall be extinguished.

Sec. 8. Section 20, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.200 are each amended to read as follows:

The director, in his discretion, may require any or all lottery sales agents to deposit to the credit of the state lottery ~~((fund))~~ account in banks designated by the state treasurer, all moneys received by such agents from the sale of lottery tickets or shares, less the amount, if any, retained as compensation for the sale of the tickets or shares, and to file with the director or his designated agents, reports of their receipts and transactions in the sale of lottery tickets in such form and containing such information as he may require. The director may make such arrangements for any person, including a bank, to perform such functions, activities, or services in connection with the operation of the lottery as he or she may deem advisable pursuant to this chapter and the rules of the commission, and such functions, activities, or services shall constitute lawful functions, activities, and services of such person.

Sec. 9. Section 25, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.250 are each amended to read as follows:

If the director decides to pay any portion of or all of the prizes in the form of installments over a period of years, the director shall provide for the payment of all such installments for any specific lottery game by one, but not both, of the following methods:

(1) The director may enter into contracts with any financially responsible person or firm providing for the payment of such installments; or

(2) The director may establish and maintain a reserve account into which shall be placed sufficient moneys for the director to pay such installments as they become due. Such reserve account shall be maintained as a separate and independent fund outside the state treasury.

Sec. 10. Section 30, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.300 are each amended to read as follows:

The attorney general may investigate violations of this chapter, and of the criminal laws within this state, by the commission, the director, or ~~((the))~~ the director's employees, licensees, or agents, in the manner prescribed for criminal investigations in RCW 43.10.090.

Sec. 11. Section 32, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.320 are each amended to read as follows:

The director of financial management shall select a certified public accountant to verify that:

(1) The manner of selecting the winning tickets or shares is consistent with this chapter; and

(2) The manner and time of payment of prizes to the holder of winning tickets or shares is consistent with this chapter. The cost of these services shall be paid from moneys placed within the ~~((revolving fund))~~ lottery administrative account created in RCW 67.70.260.

Sec. 12. Section 33, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.330 are each amended to read as follows:

The director shall have the power to enforce this chapter and the penal laws of this state relating to the conduct of or participation in lottery activities and the manufacturing, importation, transportation, distribution, possession, and sale of equipment or paraphernalia used or for use in connection therewith. The director, the deputy director, assistant directors, and each of the ~~((commission's))~~ director's investigators, enforcement officers, and inspectors shall have the power to enforce this chapter and the penal laws of this state relating to the conduct of or participation in lottery activities and the manufacturing, importation, transportation, distribution, possession, and sale of equipment or paraphernalia used or for use in connection therewith. They shall have the power and authority to apply for and execute all warrants and serve process of law issued by the courts in enforcing the penal provisions of this chapter and the penal laws of this state relating to the conduct of or participation in lottery activities and the manufacturing, importation, transportation, distribution, possession, and sale of equipment or paraphernalia used or for use in connection therewith. They shall have the power to arrest without a warrant, any person or persons found in the act of violating any of the penal provisions of this chapter and the penal laws of this state relating to the conduct of or participation in lottery activities and the manufacturing, importation, transportation, distribution, possession, and sale of equipment or paraphernalia used or for use in connection therewith. To the extent set forth in this section, the ~~((commission))~~ office of the director shall be a law enforcement agency of this state with the power to investigate for violations of and to enforce the provisions of this chapter and to obtain information from and provide information to all other law enforcement agencies.

Sec. 13. Section 34, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.900 are each amended to read as follows:

This chapter shall expire July 1, ~~((1987))~~ 1992, unless extended by law. The legislative budget committee shall evaluate the effectiveness of this chapter. The final report of the evaluation shall be available to the legislature at least six months prior to the scheduled termination date. The report shall include, but is not limited to, objective findings of fact, conclusions, and recommendations as to continuation, modification, or termination of this chapter.

NEW SECTION. Sec. 14. Section 2, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.020 are each repealed.

NEW SECTION. Sec. 15. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Senator Metcalf moved that the following amendments to the Committee on Commerce and Labor amendment be considered simultaneously and adopted:

On page 1, line 20, after "chapter," insert the following:

"(4) The official name of the state lottery, to be used in all advertising, shall be "The Little Chance to Win Game"."

On page 2, line 3, strike "dignity" and insert ~~((dignity))~~ greediness

On page 4, line 11, after "ticket" insert "WARNING, YOU ARE MORE APT TO BE STRUCK BY LIGHTNING THAN WINNING THE LOTTERY."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senator Metcalf to the Committee on Commerce and Labor amendment.

The motion by Senator Metcalf failed and the amendments to the committee amendment were not adopted.

## MOTION

Senator Metcalf moved that the following amendment to the Committee on Commerce and Labor amendment be adopted:

On page 4, beginning on line 4, strike all material through "ticket" on line 11 and insert the following:

"(2) All lotteries authorized under chapter 67.70 RCW shall have conspicuously displayed at the point of sale, on the back of each ticket or share, and in all advertising including publications and radio and television broadcasts, an average estimate of the probability of purchasing a winning ticket for each allotted prize and a percentage breakdown as to the allocation of gross receipts from the lotteries. The lottery commission shall adopt rules implementing this subsection to ensure that disclosures are uniform and readily understood by consumers and to enforce this subsection"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Metcalf to the Committee on Commerce and Labor amendment.

The motion by Senator Metcalf failed and the amendment to the committee amendment was not adopted.

## MOTION

Senator Metcalf moved that the following amendment to the Committee on Commerce and Labor amendment be adopted:

On page 12, after line 7, insert the following:

"Sec. 9. Section 24, chapter 7, Laws of 1982 2nd ex. sess., section 5, chapter 375, Laws of 1985, and RCW 67.70.240 are each amended to read as follows:

The moneys in the state lottery account shall be used only: (1) For the payment of prizes to the holders of winning lottery tickets or shares; (2) for purposes of making deposits into the reserve account created by RCW 67.70.250 and into the lottery administrative account created by RCW 67.70.260; (3) for purposes of making deposits into the state's general fund; (4) for the purchase (~~and promotion~~) of lottery games and game-related services; and (5) for the payment of agent compensation.

The office of financial management shall require the allotment of all expenses paid from the account and shall report to the ways and means committees of the senate and house of representatives any changes in the allotments.

Sec. 10. Section 26, chapter 7, Laws of 1982 2nd ex. sess., section 6, chapter 375, Laws of 1985, and RCW 67.70.260 are each amended to read as follows:

There is hereby created the lottery administrative account in the state treasury. The account shall be managed, controlled, and maintained by the director. The legislature may appropriate from the account for the payment of costs incurred in the operation, promotion and administration of the lottery."

## PARLIAMENTARY INQUIRY

Senator Talmadge: "Mr. President, Senator Metcalf's amendment is very similar to the amendment by Senator McDermott. It relates essentially to the same two sections of the bill. If we deal with Senator Metcalf's amendment, does that have any implications with respect to Senator McDermott's amendment insofar as it covers the same issue area?"

## REPLY BY THE PRESIDENT

President Cherberg: "Senator McDermott will be permitted to offer his amendment also, Senator."

The President declared the question before the Senate to be adoption of the amendments by Senator Metcalf to the Committee on Commerce and Labor amendment.

The motion by Senator Metcalf carried and the amendment to the committee amendment was adopted on a rising vote.

## MOTION

Senator Craswell moved that the following amendments by Senators Craswell, Gaspard, Bailey, Patterson and Rasmussen to the Committee on Commerce and Labor amendment be considered simultaneously and adopted:

On page 3, beginning on line 27, strike everything through "RCW 67.70.190," on line 28 and insert "common school construction fund created by RCW 28A.40"

On page 11, line 10, following "the" strike all material through "RCW 43.185.030" on line 12 and insert "common school construction fund created by RCW 28A.40"

Debate ensued.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senators Craswell, Gaspard, Bailey, Patterson and Rasmussen to the Committee on Commerce and Labor amendment.

#### ROLL CALL

The Secretary called the roll and the amendments to the Committee on Commerce and Labor amendment were adopted by the following vote: Yeas, 27; nays, 22.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Craswell, Deccio, Garrett, Gaspard, Hayner, Johnson, Kreidler, Lee, McCaslin, McDonald, Metcalf, Nelson, Patterson, Pullen, Rasmussen, Saling, Stratton, von Reichbauer, West, Zimmerman - 27.

Voting nay: Senators Bauer, Bottiger, Conner, DeJarnatt, Fleming, Halsan, Hansen, Kiskaddon, McDermott, Moore, Newhouse, Owen, Peterson, Rinehart, Sellar, Smitherman, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 22.

#### MOTION

On motion of Senator Vognild, further consideration of Engrossed Substitute House Bill No. 26 was deferred.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 773, deferred on second reading April 8, 1987.

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Warnke moved to reconsider the vote by which the amendment by Senators Warnke, Newhouse and Nelson on page 2, line 21, was adopted April 8, 1987.

The President declared the question before the Senate to be the motion by Senator Warnke to reconsider the vote by which the amendment by Senators Warnke, Newhouse and Nelson on page 2, line 21, was adopted.

The motion by Senator Warnke carried and the Senate commenced reconsideration of the amendment.

#### MOTION

On motion of Senator Warnke, and there being no objection, the amendment, on reconsideration, was withdrawn.

#### MOTION

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 773, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 773, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 773, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senators Fleming, McDermott, Moore - 3.

SUBSTITUTE HOUSE BILL NO. 773, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 10, by Representatives Grimm and Sayan

Revising provisions relating to transfer of service credit from the state-wide city employees' retirement system.

The bill was read the second time.

## MOTIONS

On motion of Senator McDermott, the following Committee on Ways and Means amendment was adopted:

On page 2, after line 32, insert the following:

"NEW SECTION. Sec. 2. There is hereby appropriated to the department of retirement systems the sum of thirty-one thousand dollars from the retirement systems expense fund for the biennium ending June 30, 1989, solely for the purpose of administering section 1 of this act."

On motion of Senator McDermott, the following title amendment was adopted:

On page 1, line 2 of the title, after "system;" delete "and" and after "RCW 41.40.403" insert "; and making an appropriation"

On motion of Senator McDermott, the rules were suspended, House Bill No. 10, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 10, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 10, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

HOUSE BILL NO. 10, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 42, by Committee on Judiciary (originally sponsored by Representatives Sutherland, Cooper, Armstrong, Jacobsen, Baugher, Patrick, C. Smith, Chandler, Nealey, Wineberry, Betrozoff, Hargrove, Todd, Lewis, Rayburn, K. Wilson, Rasmussen, Basich, Padden, Brekke, Brough, Ballard, Holm, Schoon, Winsley, L. Smith and May)

Authorizing the warrantless arrest of minors for the acquisition, possession, or consumption of alcohol.

The bill was read the second time.

## MOTION

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 42 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 42.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 42 and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator McDonald - 1.

SUBSTITUTE HOUSE BILL NO. 42, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 60, by Committee on Natural Resources (originally sponsored by Representatives Haugen, Basich, S. Wilson and P. King)

Establishing processor liens for commercial fishermen.

The bill was read the second time.

#### MOTION

On motion of Senator Owen, the rules were suspended. Substitute House Bill No. 60 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 60.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 60 and the bill passed the Senate by the following vote: Yeas, 47; absent, 2.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Absent: Senators Nelson, Newhouse - 2.

SUBSTITUTE HOUSE BILL NO. 60, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 86, by Representatives Brough, Haugen, May, Bristow and Bumgarner

Requiring notice about sewer or water improvements to be sent to certain additional property owners.

The bill was read the second time.

#### MOTIONS

On motion of Senator Halsan, the following Committee on Governmental Operations amendment was adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION**, Sec. 1. A new section is added to chapter 35.43 RCW to read as follows:

Whenever it is proposed that a local improvement district or utility local improvement district finance sanitary sewers or potable water facilities, additional notice of the public hearing on the proposed improvement district shall be mailed to the owners of any property located outside of the proposed improvement district that would be required as a condition of federal housing administration loan qualification, at the time of notice, to be connected to the specific sewer or water facilities installed by the local improvement district. The notice shall include information about this restriction.

**NEW SECTION**, Sec. 2. A new section is added to chapter 35.43 RCW to read as follows:

A public hearing shall be held on the creation of a proposed local improvement district or utility local improvement district that is initiated by petition. Notice requirements for this public hearing shall be the same as for the public hearing on the creation of a proposed local improvement district or utility local improvement district that is initiated by resolution.

**NEW SECTION**, Sec. 3. A new section is added to chapter 36.94 RCW to read as follows:

Whenever it is proposed that a local improvement district or utility local improvement district finance sanitary sewers or potable water facilities, additional notice of the public hearing on the proposed improvement district shall be mailed to the owners of any property located outside of the proposed improvement district that would be required as a condition of federal housing administration loan qualification, at the time of notice, to be connected to the specific

sewer or water facilities installed by the local improvement district. The notice shall include information about this restriction.

NEW SECTION, Sec. 4. A new section is added to chapter 54.16 RCW to read as follows:

Whenever it is proposed that a local utility district finance sanitary sewers or potable water facilities, additional notice of the public hearing on the proposed local utility district shall be mailed to the owners of any property located outside of the proposed local utility district that would be required as a condition of federal housing administration loan qualification, at the time of notice, to be connected to the specific sewer or water facilities installed by the local utility district. The notice shall include information about this restriction.

NEW SECTION, Sec. 5. A new section is added to chapter 56.20 RCW to read as follows:

Whenever it is proposed that a utility local improvement district finance sanitary sewers facilities, additional notice of the public hearing on the proposed improvement district shall be mailed to the owners of any property located outside of the proposed utility local improvement district that would be required as a condition of federal housing administration loan qualification, at the time of notice, to be connected to the specific sewer facilities installed by the utility local improvement district. The notice shall include information about this restriction.

NEW SECTION, Sec. 6. A new section is added to chapter 57.16 RCW to read as follows:

Whenever it is proposed that a local improvement district or utility local improvement district finance potable water facilities, additional notice of the public hearing on the proposed improvement district shall be mailed to the owners of any property located outside of the proposed improvement district that would be required as a condition of federal housing administration loan qualification, at the time of notice, to be connected to the specific water facilities installed by the local improvement district. The notice shall include information about this restriction.

NEW SECTION, Sec. 7. A new section is added to chapter 87.03 RCW to read as follows:

Whenever it is proposed that a local improvement district finance sanitary sewers or potable water facilities, additional notice of the public hearing on the proposed local improvement district shall be mailed to the owners of any property located outside of the proposed local improvement district that would be required as a condition of federal housing administration loan qualification, at the time of notice, to be connected to the specific sewer or water facilities installed by the local improvement district. The notice shall include information about this restriction."

On motion of Senator Halsan, the rules were suspended. House Bill No. 86, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 86, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 86, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Voting nay: Senators Anderson, Lee, Zimmerman - 3.

HOUSE BILL NO. 86, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 94, by Representative P. King

Enacting the new uniform fraudulent transfer act.

The bill was read the second time.

#### MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendments were considered simultaneously and adopted:

On page 2, line 5, after "lien;" insert "or"

On page 2, line 7, after "law" strike everything through "tenant" on line 10

On page 9, after line 32, insert the following:

NEW SECTION, Sec. 16. EFFECTIVE DATE. This act shall take effect July 1, 1988."

On motion of Senator Talmadge, the following title amendments were considered simultaneously and adopted:

On page 1, line 2 of the title, after "19.40 RCW," strike "and"

On page 1, line 4 of the title, after "19.40.130" insert "; and providing an effective date"

On motion of Senator Talmadge, the rules were suspended, House Bill No. 94, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 94, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 94, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

HOUSE BILL NO. 94, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 99, by Committee on Health Care (originally sponsored by Representatives Niemi, Cantwell, Vekich, Braddock, Fisch and Brekke)

Creating the Washington state health insurance pool.

The bill was read the second time.

#### MOTION

Senator Moore moved that the following Committee on Financial Institutions amendment be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION, Sec. 1.** This chapter shall be known and may be cited as the "Washington state health insurance coverage access act".

**NEW SECTION, Sec. 2.** It is the purpose and intent of the legislature to provide access to health insurance coverage to all residents of Washington who are denied adequate health insurance for any reason. It is the intent of the legislature that adequate levels of health insurance coverage be made available to residents of Washington who are otherwise considered uninsurable or who are underinsured. It is the intent of the Washington state health insurance coverage access act to provide a mechanism to insure the availability of comprehensive health insurance to persons unable to obtain such insurance coverage on either an individual or group basis directly under any health plan.

**NEW SECTION, Sec. 3.** As used in this chapter, the following terms have the meaning indicated, unless the context requires otherwise:

- (1) "Administrator" means the entity chosen by the board to administer the pool under section 8 of this act.
- (2) "Board" means the board of directors of the pool.
- (3) "Commissioner" means the insurance commissioner.
- (4) "Health care facility" has the same meaning as in RCW 70.38.025.
- (5) "Health care provider" means any physician, facility, or health care professional, who is licensed in Washington state and entitled to reimbursement for health care services.
- (6) "Health care services" means services for the purpose of preventing, alleviating, curing, or healing human illness or injury.
- (7) "Health insurance" means any group or individual disability insurance policy, health care service contract, and health maintenance agreement, except those contracts entered into for the provision of health care services pursuant to Title XVIII of the Social Security Act, 42 U.S.C. Sec. 1395 et seq. The term does not include short-term care, long-term care, dental, vision, accident, fixed indemnity, disability income contracts, civilian health and medical program for the uniform services (CHAMPUS), 10 U.S.C. 55, limited benefit or credit insurance, coverage issued as a supplement to liability insurance, insurance arising out of the worker's compensation or similar law, automobile medical payment insurance, or insurance under

which benefits are payable with or without regard to fault and which is statutorily required to be contained in any liability insurance policy or equivalent self-insurance.

(8) "Health plan" means any arrangement by which persons, including dependents or spouses, covered or making application to be covered under this pool, have access to hospital and medical benefits or reimbursement including any group or individual disability insurance policy; health care service contract; health maintenance agreement; uninsured arrangements of group or group-type contracts including employer self-insured, cost-plus, or other benefit methodologies not involving insurance or not governed by Title 48 RCW; coverage under group-type contracts which are not available to the general public and can be obtained only because of connection with a particular organization or group; and coverage by medicare or other governmental benefits. This term includes coverage through "health insurance" as defined under this section, and specifically excludes those types of programs excluded under the definition of "health insurance" in subsection (7) of this section.

(9) "Insured" means any individual resident of this state who is eligible to receive benefits from any member, or other health plan.

(10) "Medical assistance" means coverage under Title XIX of the federal Social Security Act (42 U.S.C., Sec. 1396 et seq.) and chapter 74.09 RCW.

(11) "Medicare" means coverage under Title XVIII of the Social Security Act, (42 U.S.C. Sec. 1395 et seq., as amended).

(12) "Member" means any commercial insurer which provides disability insurance, any health care service contractor, and any health maintenance organization licensed under Title 48 RCW. "Member" shall also mean, as soon as authorized by federal law, employers and other entities, including a self-funding entity and employee welfare benefit plans that provide health plan benefits in this state on or after the effective date of this section. "Member" does not include any insurer, health care service contractor, or health maintenance organization whose products are exclusively dental products.

(13) "Plan of operation" means the pool, including articles, by-laws, and operating rules, adopted by the board pursuant to section 5 of this act.

(14) "Pool" means the Washington state health insurance pool as created in section 4 of this act.

(15) "Substantially equivalent health plan" means a "health plan" as defined in subsection (8) of this section which, in the judgment of the board or the administrator, offers persons including dependents or spouses covered or making application to be covered by this pool an overall level of benefits deemed approximately equivalent to the minimum benefits available under this pool.

**NEW SECTION.** Sec. 4. (1) There is hereby created a nonprofit entity to be known as the Washington state health insurance pool. All members in this state on or after the effective date of this section shall be members of the pool. When authorized by federal law, all self-insured employers as designated by federal law shall also be members of the pool.

(2) Pursuant to chapter 34.04 RCW the commissioner shall, within ninety days after the effective date of this section, give notice to all members of the time and place for the initial organizational meetings of the pool. A board of directors shall be established, which shall be comprised of nine members. The commissioner shall select three members of the board who shall represent (a) the general public, (b) health care providers, and (c) health insurance agents. The remaining members of the board shall be selected by election from among the members of the pool. The elected members shall, to the extent possible, include at least one representative of health care service contractors, one representative of health maintenance organizations, and one representative of commercial insurers which provides disability insurance. When self-insured organizations become eligible for participation in the pool, one member of the board shall represent the self-insurers.

(3) The original members of the board of directors shall be appointed for intervals of one to three years. Thereafter, all board members shall serve a term of three years. Board members shall receive no compensation, but shall be reimbursed for all travel expenses as provided in RCW 43.03.050 and 43.03.060.

(4) The board shall submit to the commissioner a plan of operation for the pool and any amendments thereto necessary or suitable to assure the fair, reasonable, and equitable administration of the pool. The commissioner shall, after notice and hearing pursuant to chapter 34.04 RCW, approve the plan of operation if it is determined to assure the fair, reasonable, and equitable administration of the pool and provides for the sharing of pool losses on an equitable, proportionate basis among the members of the pool. The plan of operation shall become effective upon approval in writing by the commissioner consistent with the date on which the coverage under this chapter must be made available. If the board fails to submit a plan of operation within one hundred eighty days after the appointment of the board or any time thereafter fails to submit acceptable amendments to the plan, the commissioner shall, within ninety days after notice and hearing pursuant to chapters 34.04 and 48.04 RCW, adopt such rules as are necessary or advisable to effectuate this chapter. The rules shall continue in force until modified by the commissioner or superseded by a plan submitted by the board and approved by the commissioner.

NEW SECTION. Sec. 5. The plan of operation submitted by the board to the commissioner shall:

- (1) Establish procedures for the handling and accounting of assets and moneys of the pool;
- (2) Establish regular times and places for meetings of the board of directors;
- (3) Establish procedures for records to be kept of all financial transactions and for an annual fiscal reporting to the commissioner;
- (4) Contain additional provisions necessary and proper for the execution of the powers and duties of the pool;
- (5) Establish procedures for the collection of assessments from all members to provide for claims paid under the plan and for administrative expenses incurred or estimated to be incurred during the period for which the assessment is made;
- (6) Establish the amount of assessment pursuant to section 6 of this act, which shall occur after March 1st of each calendar year, and which shall be due and payable within thirty days of the receipt of the assessment notice;
- (7) Select an administrator in accordance with section 8 of this act;
- (8) Develop and implement a program to publicize the existence of the plan, the eligibility requirements and procedures for enrollment, and to maintain public awareness of the plan; and
- (9) Establish procedures under which applicants and participants may have grievances reviewed by an impartial body and reported to the board.

NEW SECTION. Sec. 6. The board shall have the general powers and authority granted under the laws of this state to insurance companies licensed to transact the kinds of insurance defined under this title. In addition thereto, the board may:

- (1) Enter into contracts as are necessary or proper to carry out the provisions and purposes of this chapter including the authority, with the approval of the commissioner, to enter into contracts with similar pools of other states for the joint performance of common administrative functions, or with persons or other organizations for the performance of administrative functions;
- (2) Sue or be sued, including taking any legal action as necessary to avoid the payment of improper claims against the pool or the coverage provided by or through the pool;
- (3) Establish appropriate rates, rate schedules, rate adjustments, expense allowances, agent referral fees, claim reserve formulas and any other actuarial functions appropriate to the operation of the pool. Rates shall not be unreasonable in relation to the coverage provided, the risk experience, and expenses of providing the coverage. Rates and rate schedules may be adjusted for appropriate risk factors such as age and area variation in claim costs and shall take into consideration appropriate risk factors in accordance with established actuarial underwriting practices;
- (4) Assess members of the pool in accordance with the provisions of this chapter, and to make advance interim assessments as may be reasonable and necessary for the organizational or interim operating expenses. Any interim expenses will be credited as offsets against any regular assessments due following the close of the calendar year;
- (5) Issue policies of insurance in accordance with the requirements of this chapter;
- (6) Appoint appropriate legal, actuarial and other committees as necessary to provide technical assistance in the operation of the pool, policy, and other contract design, and any other function within the authority of the pool; and
- (7) Conduct periodic audits to assure the general accuracy of the financial data submitted to the pool, and the board shall cause the pool to have an annual audit of its operations by an independent certified public accountant.

NEW SECTION. Sec. 7. The pool shall be subject to examination by the commissioner as provided under chapter 48.03 RCW. The board of directors shall submit, not later than March 1st of each year, a financial report for the preceding calendar year in a form approved by the commissioner. The board of directors shall further report to the appropriate standing committees of each house of the legislature by March 1st of each year.

NEW SECTION. Sec. 8. The board shall select an administrator through a competitive bidding process to administer the pool.

(1) The board shall evaluate bids based upon criteria established by the board, which shall include:

- (a) The administrator's proven ability to handle accident and health insurance;
- (b) The efficiency of the administrator's claim-paying procedures;
- (c) An estimate of the total charges for administering the plan; and
- (d) The administrator's ability to administer the pool in a cost-effective manner.

(2) The administrator shall serve for a period of three years subject to removal for cause. At least one year prior to the expiration of each three-year period of service by the administrator, the board shall invite all interested parties, including the current administrator, to submit bids to serve as the administrator for the succeeding three-year period. Selection of the administrator for this succeeding period shall be made at least six months prior to the end of the current three-year period.

(3)(a) The administrator shall perform all eligibility and administrative claim payment functions relating to the pool;

(b) The administrator shall establish a premium billing procedure for collection of premiums from insured persons. Billings shall be made on a periodic basis as determined by the board, which shall not be more frequent than a monthly billing;

(c) The administrator shall perform all necessary functions to assure timely payment of benefits to covered persons under the pool including:

(i) Making available information relating to the proper manner of submitting a claim for benefits to the pool, and distributing forms upon which submission shall be made; and

(ii) Evaluating the eligibility of each claim for payment by the pool;

(d) The administrator shall submit regular reports to the board regarding the operation of the pool. The frequency, content, and form of the report shall be as determined by the board;

(e) Following the close of each calendar year, the administrator shall determine net written and earned premiums, the expense of administration, and the paid and incurred losses for the year and report this information to the board and the commissioner on a form as prescribed by the commissioner;

(f) The administrator shall be paid as provided in the plan of operation for its expenses incurred in the performance of its services.

**NEW SECTION, Sec. 9.** (1) Following the close of each calendar year, the pool administrator shall determine the net premium (premiums less administrative expense allowances), the pool expenses of administration, and incurred losses for the year, taking into account investment income and other appropriate gains and losses.

(2)(a) Each member's proportion of participation in the pool shall be determined annually by the board based on annual statements and other reports deemed necessary by the board and filed by the member with the commissioner; and shall be determined by multiplying the total cost of pool operation by a fraction, the numerator of which equals that member's total number of resident insured persons, including spouse and dependents under the member's health plan in the state during the preceding calendar year, and the denominator of which equals the total number of resident insured persons including spouses and dependents insured under all health plans in the state by pool members.

(b) Any deficit incurred by the pool shall be recouped by assessments among members apportioned under this subsection pursuant to the formula set forth by the board among members.

(3) The board may abate or defer, in whole or in part, the assessment of a member if, in the opinion of the board, payment of the assessment would endanger the ability of the member to fulfill its contractual obligations. If an assessment against a member is abated or deferred in whole or in part, the amount by which such assessment is abated or deferred may be assessed against the other members in a manner consistent with the basis for assessments set forth in subsection (2) of this section. The member receiving such abatement or deferment shall remain liable to the pool for the deficiency for four years.

(4) If assessments exceed actual losses and administrative expenses of the pool, the excess shall be held at interest and used by the board to offset future losses or to reduce pool premiums. As used in this subsection, "future losses" includes reserves for incurred but not reported claims.

**NEW SECTION, Sec. 10.** (1) Any individual person who is a resident of this state is eligible for coverage upon providing evidence of rejection for medical reasons, a requirement of restrictive riders, an up-rated premium, or a preexisting conditions limitation on health insurance, the effect of which is to substantially reduce coverage from that received by a person considered a standard risk, by at least one member within six months of the date of application.

(2) The following persons are not eligible for coverage by the pool:

(a) Any person who is at the time of pool application eligible for medical assistance;

(b) Any person having terminated coverage in the pool unless (i) twelve months have lapsed since termination, or (ii) that person can show continuous other coverage which has been involuntarily terminated for any reason other than nonpayment of premiums;

(c) Any person on whose behalf the pool has paid out five hundred thousand dollars in benefits;

(d) Inmates of public institutions and persons whose benefits are duplicated under public programs.

(3) Any person whose health insurance coverage is involuntarily terminated for any reason other than nonpayment of premium may apply for coverage under the plan.

**NEW SECTION, Sec. 11.** (1) The administrator shall prepare a brochure outlining the benefits and exclusions of the pool policy in plain language. After approval by the board of directors, such brochure shall be made reasonably available to participants or potential participants. The health insurance policy issued by the pool shall pay only usual, customary, and reasonable charges for medically necessary eligible health care services rendered or furnished for the diagnosis or treatment of illnesses, injuries, and conditions which are not otherwise limited or excluded. Eligible expenses are the usual, customary, and reasonable

charges for the health care services and items for which benefits are extended under the pool policy. Such benefits shall at minimum include, but not be limited to, the following services or related items:

(a) Hospital services, including charges for the most common semiprivate room, for the most common private room if semiprivate rooms do not exist in the health care facility, or for the private room if medically necessary, but limited to a total of one hundred eighty inpatient days in a calendar year, and limited to thirty days inpatient care for mental and nervous conditions, or alcohol, drug, or chemical dependency or abuse per calendar year;

(b) Professional services including surgery for the treatment of injuries, illnesses, or conditions, other than dental, which are rendered by a health care provider, or at the direction of a health care provider, by a staff of registered or licensed practical nurses, or other health care providers;

(c) The first twenty outpatient professional visits for the diagnosis or treatment of one or more mental or nervous conditions or alcohol, drug, or chemical dependency or abuse rendered during a calendar year by one or more physicians, psychologists, or community mental health professionals, or, at the direction of a physician, by other qualified licensed health care practitioners;

(d) Drugs and contraceptive devices requiring a prescription;

(e) Services of a skilled nursing facility, excluding custodial and convalescent care, for not more than one hundred days in a calendar year as prescribed by a physician;

(f) Services of a home health agency;

(g) Chemotherapy, radioisotope, radiation, and nuclear medicine therapy;

(h) Oxygen;

(i) Anesthesia services;

(j) Prostheses, other than dental;

(k) Durable medical equipment which has no personal use in the absence of the condition for which prescribed;

(l) Diagnostic x-rays and laboratory tests;

(m) Oral surgery limited to the following: Fractures of facial bones; excisions of mandibular joints, lesions of the mouth, lip, or tongue, tumors, or cysts excluding treatment for temporomandibular joints; incision of accessory sinuses, mouth salivary glands or ducts; dislocations of the jaw; plastic reconstruction or repair of traumatic injuries occurring while covered under the pool; and excision of impacted wisdom teeth;

(n) Services of a physical therapist and services of a speech therapist;

(o) Hospice services;

(p) Professional ambulance service to the nearest health care facility qualified to treat the illness or injury; and

(q) Other medical equipment, services, or supplies required by physician's orders and medically necessary and consistent with the diagnosis, treatment, and condition.

(2) The board shall design and employ cost containment measures and requirements such as, but not limited to, preadmission certification and concurrent inpatient review which may make the pool more cost-effective.

(3) The pool benefit policy may contain benefit limitations, exceptions, and reductions that are generally included in health insurance plans and are approved by the insurance commissioner; however, no limitation, exception, or reduction may be approved that would exclude coverage for any disease, illness, or injury.

**NEW SECTION.** Sec. 12. (1) Subject to the limitation provided in subsection (3) of this section, a pool policy offered in accordance with this chapter shall impose a deductible. Deductibles of five hundred dollars and one thousand dollars on a per person per calendar year basis shall initially be offered. The board may authorize deductibles in other amounts. The deductible shall be applied to the first five hundred dollars, one thousand dollars, or other authorized amount of eligible expenses incurred by the covered person.

(2) Subject to the limitations provided in subsection (3) of this section, a mandatory coinsurance requirement shall be imposed at the rate of twenty percent of eligible expenses in excess of the mandatory deductible.

(3) The maximum aggregate out of pocket payments for eligible expenses by the insured in the form of deductibles and coinsurance shall not exceed in a policy year:

(a) One thousand five hundred dollars per individual, or three thousand dollars per family, per policy year for the five hundred dollar deductible policy;

(b) Two thousand five hundred dollars per individual, or five thousand dollars per family per policy year for the one thousand dollar deductible policy; or

(c) An amount authorized by the board for any other deductible policy.

(4) Eligible expenses incurred by a covered person in the last three months of a calendar year, and applied toward a deductible, shall also be applied toward the deductible amount in the next calendar year.

**NEW SECTION.** Sec. 13. All policy forms issued by the pool shall conform in substance to prototype forms developed by the pool, and shall in all other respects conform to the requirements of this chapter, and shall be filed with and approved by the commissioner before they

are issued. The pool shall not issue a pool policy to any individual who, on the effective date of the coverage applied for, already has or would have coverage substantially equivalent to a pool policy as an insured or covered dependent, or who would be eligible for such coverage if he elected to obtain it at a lesser premium rate.

**NEW SECTION, Sec. 14.** (1) Coverage shall provide that health insurance benefits are applicable to children of the person in whose name the policy is issued including adopted and newly born natural children. Coverage shall also include necessary care and treatment of medically diagnosed congenital defects and birth abnormalities. If payment of a specific premium is required to provide coverage for the child, the policy may require that notification of the birth or adoption of a child and payment of the required premium must be furnished to the pool within thirty-one days after the date of birth or adoption in order to have the coverage continued beyond the thirty-one day period. For purposes of this subsection, a child is deemed to be adopted, and benefits are payable, when the child is physically placed for purposes of adoption under the laws of this state with the person in whose name the policy is issued; and, when the person in whose name the policy is issued assumes financial responsibility for the medical expenses of the child. For purposes of this subsection, "newly born" means, and benefits are payable, from the moment of birth.

(2) A pool policy shall provide that coverage of a dependent, unmarried person shall terminate when the person becomes nineteen years of age: PROVIDED, That coverage of such person shall not terminate at age nineteen while he or she is and continues to be both (a) incapable of self-sustaining employment by reason of developmental disability or physical handicap and (b) chiefly dependent upon the person in whose name the policy is issued for support and maintenance, provided proof of such incapacity and dependency is furnished to the pool by the policy holder within thirty-one days of the dependent's attainment of age nineteen and subsequently as may be required by the pool but not more frequently than annually after the two-year period following the dependent's attainment of age nineteen.

(3) A pool policy may contain provisions under which coverage is excluded during a period of six months following the effective date of coverage as to a given covered individual for preexisting conditions, as long as medical advice or treatment was recommended or received within a period of six months before the effective date of coverage.

These preexisting condition exclusions shall be waived to the extent to which similar exclusions have been satisfied under any prior health insurance which was for any reason other than nonpayment of premium involuntarily terminated, if the application for pool coverage is made not later than thirty days following the involuntary termination. In that case, with payment of appropriate premium, coverage in the pool shall be effective from the date on which the prior coverage was terminated.

**NEW SECTION, Sec. 15.** (1) The board shall offer a medical supplement policy for persons receiving medicare benefits. The supplement policy shall provide coverage of one hundred percent of the deductible and copayment required under medicare and eighty percent of the charges for covered services under this chapter that are not paid by medicare. The coverage shall include a limitation of one thousand dollars per person on total annual out-of-pocket expenses for the covered services.

(2) If federal law is adopted that addresses this subject, the board shall offer a policy that is consistent with that federal law.

**NEW SECTION, Sec. 16.** (1) A pool policy offered under this chapter shall contain provisions under which the pool is obligated to renew the policy until the day on which the individual in whose name the policy is issued first becomes eligible for medicare coverage. At that time, coverage of dependents shall terminate if such dependents are eligible for coverage under a different health plan. Dependents who become eligible for medicare prior to the individual in whose name the policy is issued, shall receive benefits in accordance with section 15 of this act.

(2) The pool may not change the rates for pool policies except on a class basis, with a clear disclosure in the policy of the pool's right to do so.

(3) A pool policy offered under this chapter shall provide that, upon the death of the individual in whose name the policy is issued, every other individual then covered under the policy may elect, within a period specified in the policy, to continue coverage under the same or a different policy.

**NEW SECTION, Sec. 17.** The commissioner shall adopt rules pursuant to chapter 34.04 RCW that:

(1) Provide for disclosure by the member of the availability of insurance coverage from the pool; and

(2) Implement this chapter.

**NEW SECTION, Sec. 18.** (1) Commencing with the effective date of this section, every member shall provide a notice and an application for coverage by the pool to any person who receives a rejection of coverage for health insurance or health care services, or has any health condition limited or excluded. The notice shall state that the person is eligible to apply for health insurance provided by the pool.

(2) Members of the pool shall provide the brochure outlining the benefits and exclusions of the pool policy to any person who is rejected by a member or who is offered a policy containing restrictive riders, up-rated premiums, or a preexisting conditions limitation on a health insurance plan.

NEW SECTION. Sec. 19. Neither the participation by members, the establishment of rates, forms, or procedures for coverages issued by the pool, nor any other joint or collective action required by this chapter or the state of Washington shall be the basis of any legal action, civil or criminal liability or penalty against the pool or members of it either jointly or separately.

NEW SECTION. Sec. 20. The pool shall determine the standard risk rate by calculating the average group standard rate for groups comprised of up to ten persons charged by the five largest members offering coverages in the state comparable to the pool coverage. In the event five members do not offer comparable coverage, the standard risk rate shall be established using reasonable actuarial techniques and shall reflect anticipated experience and expenses for such coverage. Maximum rates for pool coverage shall be one hundred fifty percent of the rates established as applicable for group standard risks in groups comprised of up to ten persons. All rates and rate schedules shall be submitted to the commissioner for approval.

NEW SECTION. Sec. 21. It is the express intent of this chapter that the pool be the last payor of benefits whenever any other benefit is available.

(1) Benefits otherwise payable under pool coverage shall be reduced by all amounts paid or payable through any other health insurance, or health benefit plans, including but not limited to self-insured plans and by all hospital and medical expense benefits paid or payable under any worker's compensation coverage, automobile medical payment or liability insurance whether provided on the basis of fault or nonfault, and by any hospital or medical benefits paid or payable under or provided pursuant to any state or federal law or program.

(2) The administrator or the pool shall have a cause of action against an eligible person for the recovery of the amount of benefits paid which are not for covered expenses. Benefits due from the pool may be reduced or refused as a set-off against any amount recoverable under this subsection.

NEW SECTION. Sec. 22. If any part of this chapter is found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this chapter is hereby declared to be inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and such finding or determination shall not affect the operation of the remainder of this chapter in its application to the agencies concerned. The rules under this chapter shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 23. A new section is added to chapter 48.14 RCW to read as follows:

(1) The taxes imposed in RCW 48.14.020 do not apply to premiums collected or received for policies of insurance issued under sections 1 through 21 of this act.

(2) In computing tax due under RCW 48.14.020, there may be deducted from taxable premiums the amount of any assessment against the taxpayer under sections 1 through 21 of this act. Any portion of the deduction allowed in this section which cannot be deducted in a tax year without reducing taxable premiums below zero may be carried forward and deducted in successive years until the deduction is exhausted.

NEW SECTION. Sec. 24. A new section is added to chapter 82.04 RCW to read as follows:

In computing tax there may be deducted from the measure of tax the amount of any assessment against the taxpayer under sections 1 through 21 of this act. Any portion of the deduction allowed in this section which cannot be deducted in a tax year without reducing taxable premiums below zero may be carried forward and deducted in successive years until the deduction is exhausted. Amounts deducted under section 23 of this act may not be deducted under this section.

NEW SECTION. Sec. 25. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 26. The board shall report to the commissioner and the appropriate committees of the legislature by April 1, 1990, on the implementation of this act. The report shall include information regarding enrollment, coverage utilization, cost, and any problems with the program and suggest remedies.

NEW SECTION. Sec. 27. Sections 1 through 22 of this act shall constitute a new chapter in Title 48 RCW.

NEW SECTION. Sec. 28. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Moore, this bill is supposed to enable people who would be in an assigned risk pool, because of health reasons--heart, diabetes and

whatever. What does this do for the people who can't afford the one hundred and fifty percent rate on the health insurance?"

Senator Moore: "This bill doesn't do anything, Senator Rasmussen, for that group. This is for those who can pay, but can't get insured otherwise."

Senator Rasmussen: "That's what I wanted to find out. It really doesn't do anything then?"

Senator Moore: "It will take care of those people that cannot get insurance now. At a price, ridiculous though that price may be, it will be available to them, but those that can't afford it, can't get insured. It almost seems the American way, Senator."

#### MOTION

On motion of Senator Bottiger, further consideration of Engrossed Substitute House Bill No. 99 was deferred.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 298, by Committee on Local Government (originally sponsored by Representatives Haugen, Brough, P. King, Holm and Unsoeld)

Permitting certain library districts, metropolitan park districts, fire protection districts, and public hospital districts to withdraw areas from their boundaries.

The bill was read the second time.

#### MOTION

On motion of Senator Halsan, the rules were suspended, Engrossed Substitute House Bill No. 298 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 298.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 298 and the bill passed the Senate by the following vote: Yeas, 47; nays, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Melcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senators Benitz, Craswell - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 298, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 310, by Representatives Zellinsky, Winsley, Haugen, Day, Bristow and Lux

Requiring insurers writing comprehensive and collision policies to also offer financing coverage.

The bill was read the second time.

#### MOTIONS

On motion of Senator Moore, the following Committee on Financial Institutions amendment was adopted:

On page 1, after line 15, insert the following:

"NEW SECTION. Sec. 2. The effective date of this act is January 1, 1988."

On motion of Senator Moore, the following title amendment was adopted:

On page 1, line 2, after "RCW", insert "and providing an effective date."

On motion of Senator Moore, the rules were suspended, House Bill No. 310, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 310, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 310, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

HOUSE BILL NO. 310, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 414, by Committee on Environmental Affairs (originally sponsored by Representatives Pruitt, Walker, Rust, Lux, Allen, Sprenkle, May, Unsoeld, Ferguson and D. Sommers)

Requiring toxic emission control plans.

The bill was read the second time.

#### MOTION

On motion of Senator Kreidler, the following Committee on Parks and Ecology amendments were considered simultaneously and adopted:

On page 2, line 36, strike after "contaminants," strike "and"

On page 3, line 3, after "1986" insert ", and (d) shall incorporate any provisions relating to hazardous material in the uniform fire code, as adopted by reference through RCW 19.27.031"

On page 3, line 4, after "department" insert "of ecology"

On page 3, line 6, after "with" insert "state and"

On page 5, after line 11, insert the following:

NEW SECTION, Sec. 3. A new section is added to chapter 43.131 RCW to read as follows:

The authority under section 2 of this act shall terminate on July 1, 1992, and such authority shall be legislatively reviewed pursuant to the procedures provided in this chapter.

NEW SECTION, Sec. 4. Section 2, chapter \_\_\_\_\_, Laws of 1987 and RCW 70.94.\_\_\_\_\_ are each repealed effective July 1, 1993\*.

#### POINT OF INQUIRY

Senator Vognild: "Senator Kreidler, I believe I heard you say that it was never intended that there be two codes in effect at one time with this bill—that this bill will only be effective until such time as the new fire code comes into place and takes jurisdiction over the problem?"

Senator Kreidler: "That's correct. Now, there would be the potential of seeing an overlap take place, but in effect, the same code would be identical if it occurred. That's the assurance that I've received—that there would not be a conflict even though this bill would, potentially, be in effect when the Uniform Fire Code is adopted. They would, essentially, be so close that there wouldn't be any conflict or problems with it. This is language we carefully worked out with people who represented interests that, obviously, would have been affected if there had been a conflict with it and they assured us that this would be acceptable."

#### MOTION

On motion of Senator Kreidler, the rules were suspended, Substitute House Bill No. 414, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 414, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 414, as amended by the Senate, and the bill failed to pass the Senate by the following vote: Yeas, 19; nays, 29; absent, 1.

Voting yea: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, McDermott, Moore, Peterson, Rinehart, Smitherman, Talmadge, Vognild, Warnke, Williams, Wojahn - 19.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Tanner, von Reichbauer, West, Zimmerman - 29.

Absent: Senator Bottiger - 1.

SUBSTITUTE HOUSE BILL NO. 414, as amended by the Senate, having failed to receive the constitutional majority, was declared lost.

## NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Kreidler served notice that he would move to reconsider the vote by which Substitute House Bill No. 414, as amended by the Senate, failed to pass the Senate.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 424, by Committee on Ways and Means/Appropriations (originally sponsored by Representatives Jacobsen, Appelwick, Allen, Cole, P. King, Ebersole, Valle, Hine, Belcher and Rayburn)

Providing for service credit for school district employees under the public employees' retirement system.

The bill was read the second time.

## MOTION

On motion of Senator McDermott, the rules were suspended, Substitute House Bill No. 424 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 424.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 424 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE HOUSE BILL NO. 424, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 477, by Committee on Ways and Means (originally sponsored by Representatives J. King, Brooks, McMullen, Crane, Appelwick, Brekke, Lux, Locke, Grimm, Wang, Unsoeld, Jacobsen, Moyer, Leonard, Sprengle and Todd)

Enacting the health care access act of 1987.

The bill was read the second time.

## MOTIONS

Senator McDermott moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. This chapter shall be known and may be cited as the health care access act of 1987.

**NEW SECTION.** Sec. 2. The legislature reserves the right to amend or repeal all or any part of this chapter at any time and there shall be no vested private right of any kind against such amendment or repeal. All the rights, privileges, or immunities conferred by this chapter or any acts done pursuant thereto shall exist subject to the power of the legislature to amend or repeal this chapter at any time.

**NEW SECTION.** Sec. 3. (1) The legislature finds that:

(a) A significant percentage of the population of this state does not have reasonably available insurance or other coverage of the costs of necessary basic health care services;

(b) This lack of basic health care coverage is detrimental to the health of the individuals lacking coverage and to the public welfare, and results in substantial expenditures for emergency and remedial health care, often at the expense of health care providers, health care facilities, and all purchasers of health care, including the state; and

(c) The use of managed health care systems has significant potential to reduce the growth of health care costs incurred by the people of this state generally, and by low-income pregnant women who are an especially vulnerable population, along with their children, and who need greater access to managed health care.

(2) The purpose of this chapter is to provide necessary basic health care services in an appropriate setting to working persons and others who lack coverage, at a cost to these persons that does not create barriers to the utilization of necessary health care services. To that end, this chapter establishes a program to be made available to those residents under sixty-five years of age not otherwise eligible for medicare with gross family income at or below two hundred percent of the federal poverty guidelines who share in the cost of receiving basic health care services from a managed health care system.

(3) It is not the intent of this chapter to provide health care services for those persons who are presently covered through private employer-based health plans, nor to replace employer-based health plans. Further, it is the intent of the legislature to expand, wherever possible, the availability of private health care coverage and to discourage the decline of employer-based coverage.

**NEW SECTION.** Sec. 4. As used in this chapter:

(1) "Washington basic health plan" or "plan" means the system of enrollment and payment on a prepaid capitated basis for basic health care services, administered by the board through participating managed health care systems, created by this chapter.

(2) "Board" means the Washington basic health plan board.

(3) "Managed health care system" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof, that provides directly or by contract basic health care services, as defined by the board and rendered by duly licensed providers, on a prepaid capitated basis to a defined patient population enrolled in the plan and in the managed health care system.

(4) "Enrollee" means an individual, or an individual plus the individual's spouse and/or dependent children, all under the age of sixty-five and not otherwise eligible for medicare, who resides in an area of the state served by a managed health care system participating in the plan, whose gross family income at the time of enrollment does not exceed twice the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services, who chooses to obtain basic health care coverage from a particular managed health care system in return for periodic payments to the board.

(5) "Subsidy" means the difference between the amount of periodic payment the board makes, from funds appropriated from the basic health plan trust account, to a managed health care system on behalf of an enrollee and the amount the board determines to be the enrollee's responsibility under section 10(2) of this act.

(6) "Premium" means a periodic payment, based upon gross family income and determined under section 10(2) of this act, which an enrollee makes to the board as consideration for enrollment in the plan.

(7) "Rate" means the per capita amount, negotiated by the board with and paid to a participating managed health care system, that is based upon the enrollment of enrollees in the plan and in that system.

**NEW SECTION.** Sec. 5. The basic health plan trust account is hereby established in the state treasury. All revenue received under section ... of this act and all funds appropriated for this chapter shall be deposited in the basic health plan trust account. Disbursements from the account shall be made pursuant to appropriation and upon warrants drawn by the Washington basic health plan board. Moneys in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of enrollees in the plan and payment of costs of administering the plan. The earnings on any surplus balances in the basic health project trust account shall be credited to the account, notwithstanding RCW 43.84.090. After January 1, 1988, the legislature shall not appropriate for an ensuing fiscal period amounts exceeding ninety percent of the ending balance anticipated to accrue in the account during the fiscal period.

**NEW SECTION.** Sec. 6. There is created the Washington basic health plan board, which shall be a separate and independent board of the state. The board shall be composed of five

members appointed by the governor. The governor shall select one member to serve as chairman. Not more than one member may have any fiduciary obligation to any health care provider or facility or any material financial interest in the provision of health care services.

Members of the board shall serve for four-year terms. However, of the members initially appointed after the effective date of this act, two shall be appointed to four-year terms, one to a three-year term, one to a two-year term, and one to a one-year term. Appointments shall require senate confirmation. No member of the board may serve for more than two consecutive terms. A vacancy shall be filled by appointment for the remainder of the unexpired term and the initial appointments and vacancies shall not require senate confirmation until the legislature next convenes.

NEW SECTION. Sec. 7. Meetings of the board shall be held as frequently as its duties require. The board shall keep minutes of its meetings and adopt procedures for the governing of its meetings, minutes, and transactions. Three members of the board constitute a quorum, but a vacancy on the board shall not impair its power to act. No action of the board shall be effective unless three members concur therein. The board may, consistent with the procedural requirements of chapter 42.30 RCW, meet in executive session with representatives of prospective or participating managed health care systems to discuss matters of a proprietary or sensitive nature.

The members of the board shall be compensated in accordance with RCW 43.03.250 and shall be reimbursed for their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 8. The board shall employ, subject to approval by the governor, a full-time executive director, who shall be the chief administrative officer of the board and shall be subject to its direction. The salary for this office shall be set by the governor pursuant to RCW 43.03.040. The executive director, medical director, and up to five other employees shall be exempt from the civil service law, chapter 41.06 RCW.

The board shall employ such other staff as are necessary to fulfill the responsibilities and duties of the board, such staff to be subject to the civil service law, chapter 41.06 RCW. In addition, the board may contract with third parties for services necessary to carry out its activities where this will promote economy, avoid duplication of effort, and make best use of available expertise. Any such contractor or consultant shall be prohibited from releasing, publishing, or otherwise using any information made available to it under its contractual responsibility without specific permission of the board. The board may call upon other agencies of the state to provide available information as necessary to assist the board in meeting its responsibilities under this chapter, which information shall be supplied as promptly as circumstances permit.

The board may create committees from its membership, and may appoint such technical or other advisory committees as it deems necessary. The board shall appoint a standing technical advisory committee that is representative of health care professionals, health care providers, and those directly involved in the purchase, provision, or delivery of health care services, as well as consumers and those knowledgeable of the ethical issues involved with health care public policy. Individuals appointed to any technical or other advisory committee shall serve without compensation for their services as members, but may be reimbursed for their expenses in the same manner as members of the board.

The board may apply for, receive, and accept grants, gifts, and other payments, including property and service, from any governmental or other public or private entity or person, and may make arrangements as to the use of these receipts, including the undertaking of special studies and other projects relating to health care costs and access to health care.

In the design, organization, and administration of the plan under this chapter, the board shall consider the report of the Washington health care project commission established under chapter 303, Laws of 1986. Nothing in this chapter requires the board to follow any specific recommendation contained in that report except as it may also be included in this chapter or other law.

NEW SECTION. Sec. 9. The board may promulgate and adopt rules consistent with this chapter to carry out the purposes of this chapter. All rules shall be adopted in accordance with chapter 34.04 RCW.

NEW SECTION. Sec. 10. The board has the following powers and duties:

(1) To design and from time to time revise a schedule of covered basic health care services, including physician services, inpatient and outpatient hospital services, and other services that may be necessary for basic health care, which enrollees in any participating managed health care system under the Washington basic health plan shall be entitled to receive in return for premium payments to the board. The schedule of services shall emphasize proven preventive and primary health care, shall include all services necessary for prenatal, postnatal, and well-child care, and shall include a separate schedule of basic health care services for children, eighteen years of age and younger, for those enrollees who choose to secure basic coverage through the plan only for their dependent children. In designing and revising the schedule of services, the board shall consider the guidelines for assessing health services under the mandated benefits act of 1984, RCW 48.42.080, and such other factors as the board deems appropriate.

(2) To design and implement a structure of periodic premiums due the board from enrollees that is based upon gross family income, giving appropriate consideration to family size as well as the ages of all family members. The enrollment of children shall not require the enrollment of their parent or parents who are eligible for the plan.

(3) To design and implement a structure of nominal copayments due a managed health care system from enrollees. The structure shall discourage inappropriate enrollee utilization of health care services, but shall not be so costly to enrollees as to constitute a barrier to appropriate utilization of necessary health care services.

(4) To limit enrollment of persons who qualify for subsidies so as to prevent an overexpenditure of appropriations for such purposes. Whenever the board finds that there is danger of such an overexpenditure, the board shall close enrollment until the board finds the danger no longer exists.

(5) To adopt a schedule for the orderly development of the delivery of services and availability of the plan to residents of the state, subject to the limitations contained in section 12 of this act.

In the selection of any area of the state for the initial operation of the plan, the board shall take into account the levels and rates of unemployment in different areas of the state, the need to provide basic health care coverage to a population reasonably representative of the portion of the state's population that lacks such coverage, and the need for geographic, demographic, and economic diversity.

Before July 1, 1988, the board shall endeavor to secure participation contracts with managed health care systems in discrete geographic areas within at least five congressional districts.

(6) To solicit and accept applications from managed health care systems, as defined in this chapter, for inclusion as eligible basic health care providers under the plan. The board shall endeavor to assure that covered basic health care services are available to any enrollee of the plan from among a selection of two or more participating managed health care systems. In adopting any rules or procedures applicable to managed health care systems and in its dealings with such systems, the board shall consider and make suitable allowance for the need for health care services and the differences in local availability of health care resources, along with other resources, within and among the several areas of the state.

(7) To receive periodic premiums from enrollees, deposit them in the basic health plan operating account, keep records of enrollee status, and authorize periodic payments to managed health care systems on the basis of the number of enrollees participating in the respective managed health care systems.

(8) To accept applications from individuals residing in areas served by the plan, on behalf of themselves and their spouses and dependent children, for enrollment in the Washington basic health plan, to establish appropriate minimum-enrollment periods for enrollees as may be necessary, and to determine, upon application and at least annually thereafter, or at the request of any enrollee, eligibility due to current gross family income for sliding scale premiums. An enrollee who remains current in payment of the sliding-scale premium, as determined by the board under subsection (2) of this section, and whose gross family income has risen above twice the federal poverty level, may continue enrollment unless and until the enrollee's gross family income has remained above twice the poverty level for six consecutive months, by making payment at the unsubsidized rate required for the managed health care system in which he or she may be enrolled. No subsidy may be paid with respect to any enrollee whose current gross family income exceeds twice the federal poverty level or, subject to section 15 of this act, who is a recipient of medical assistance or medical care services under chapter 74.09 RCW. In the event a number of enrollees drop their enrollment for no apparent good cause, the board may establish appropriate rules or requirements that are applicable to such individuals before they will be allowed to re-enroll in the plan.

(9) To require that prospective enrollees who may be eligible for categorically needy medical coverage under RCW 74.09.510 or whose income does not exceed the medically needy income level under RCW 74.09.700 apply for such coverage, but the board shall enroll the individuals in the plan pending the determination of eligibility under chapter 74.09 RCW.

(10) To determine the rate to be paid to each participating managed health care system in return for the provision of covered basic health care services to enrollees in the system. Although the schedule of covered basic health care services will be the same for similar enrollees, the rates negotiated with participating managed health care systems may vary among the systems. In negotiating rates with participating systems, the board shall consider the characteristics of the populations served by the respective systems, economic circumstances of the local area, the need to conserve the resources of the basic health plan trust account, and other factors the board finds relevant.

(11) To monitor the provision of covered services to enrollees by participating managed health care systems in order to assure enrollee access to good quality basic health care, to require periodic data reports concerning the utilization of health care services rendered to enrollees in order to provide adequate information for evaluation, and to inspect the books

and records of participating managed health care systems to assure compliance with the purposes of this chapter. In requiring reports from participating managed health care systems, including data on services rendered enrollees, the board shall endeavor to minimize costs, both to the managed health care systems and to the board. The board shall coordinate any such reporting requirements with other state agencies, such as the insurance commissioner and the hospital commission, to minimize duplication of effort.

(12) To monitor the access that state residents have to adequate and necessary health care services, determine the extent of any unmet needs for such services or lack of access that may exist from time to time, and make such reports and recommendations to the legislature as it deems appropriate.

(13) To evaluate the effects this chapter has on private employer-based health care coverage and to take appropriate measures consistent with state and federal statutes that will discourage the reduction of such coverage in the state.

(14) To develop a program of proven preventive health measures and to integrate it into the plan wherever possible and consistent with this chapter.

(15) To provide, consistent with available resources, technical assistance for rural health activities that endeavor to develop needed health care services in rural parts of the state.

**NEW SECTION.** Sec. 11. The benefits available under the plan shall be subject to RCW 48.21.200 and shall be excess to the benefits payable under the terms of any insurance policy issued to or on the behalf of an enrollee that provides payments toward medical expenses without a determination of liability for the injury.

**NEW SECTION.** Sec. 12. On and after July 1, 1988, the board shall accept for enrollment applicants eligible to receive covered basic health care services from the respective managed health care systems which are then participating in the plan. The board shall not allow the total enrollment of those eligible for subsidies to exceed thirty thousand.

Thereafter, total enrollment shall not exceed the number established by the legislature in any act appropriating funds to the board from the trust account.

Before July 1, 1988, the board shall endeavor to secure participation contracts from managed health care systems in discrete geographic areas within at least five congressional districts of the state and in such manner as to allow residents of both urban and rural areas access to enrollment in the plan.

The board shall at all times closely monitor growth patterns of enrollment so as not to exceed that consistent with the orderly development of the plan as a whole, in any area of the state or in any participating managed health care system.

**NEW SECTION.** Sec. 13. Any enrollee whose premium payments to the board are delinquent or who moves his or her residence out of an area served by the plan may be dropped from enrollment status. An enrollee whose premium is the responsibility of the department of social and health services under section 15 of this act may not be dropped solely because of nonpayment by the department. The board shall provide delinquent enrollees with advance written notice of their removal from the plan and shall provide for a hearing under chapters 34.04 and 34.12 RCW for any enrollee who contests the board's decision to drop the enrollee from the plan. Upon removal of an enrollee from the plan, the board shall promptly notify the managed health care system in which the enrollee has been enrolled, and shall not be responsible for payment for health care services provided to the enrollee (including, if applicable, members of the enrollee's family) after the date of notification. A managed health care system may contest the denial of payment for coverage of an enrollee through a hearing under chapters 34.04 and 34.12 RCW.

**NEW SECTION.** Sec. 14. Managed health care systems participating in the plan shall do so by contract with the board and shall provide, directly or by contract with other health care providers, covered basic health care services to each enrollee as long as payments from the board on behalf of the enrollee are current. A participating managed health care system may offer, without additional cost, health care benefits or services not included in the schedule of covered services under the plan. A participating managed health care system shall not give preference in enrollment to enrollees who accept such additional health care benefits or services. Managed health care systems participating in the plan shall not discriminate against any potential or current enrollee based upon health status, sex, race, ethnicity, or religion. The board may receive and act upon complaints from enrollees regarding failure to provide covered services or efforts to obtain payment, other than authorized copayments, for covered services directly from enrollees, but nothing in this chapter empowers the board to impose any sanctions under Title 18 RCW or any other professional or facility licensing statute.

The plan shall allow, at least annually, an opportunity for enrollees to transfer their enrollments among participating managed health care systems serving their respective areas. The board shall establish a period of at least twenty days in a given year when this opportunity is afforded enrollees, and in those areas served by more than one participating managed health care system the board shall endeavor to establish a uniform period for such opportunity. The plan shall allow enrollees to transfer their enrollment to another participating managed health care system at any time upon a showing of good cause for the transfer.

Any contract between a hospital and a participating managed health care system under this chapter is subject to the requirements of RCW 70.39.140(1) regarding negotiated rates.

Prior to negotiating with any managed health care system, the board shall determine, on an actuarially sound basis, the reasonable cost of providing the schedule of basic health care services, expressed in terms of upper and lower limits, and recognizing variations in the cost of providing the services through the various systems and in different areas of the state. In negotiating with managed health care systems for participation in the plan, the board shall adopt a uniform procedure that includes at least the following:

(1) The board shall issue a request for proposals, including standards regarding the quality of services to be provided; financial integrity of the responding systems; and responsiveness to the unmet health care needs of the local communities or populations that may be served;

(2) The board shall then review responsive proposals and may negotiate with respondents to the extent necessary to refine any proposals;

(3) The board may then select one or more systems to provide the covered services within a local area; and

(4) The board may adopt a policy that gives preference to respondents, such as nonprofit community health clinics, that have a history of providing quality health care services to low-income persons.

**NEW SECTION.** Sec. 15. The department of social and health services shall make periodic payments to the board as an agent for the participating managed health care systems on behalf of any enrollee who is a recipient of medical assistance, medical care-limited casualty program, or medical care services under chapter 74.09 RCW, at the maximum rate allowable for federal matching purposes under Title XIX of the social security act, but not to exceed the rate negotiated by the board with the participating managed health care system for the services covered by the plan, and no premium or copayment may be charged to such an enrollee. Any enrollee on whose behalf the department of social and health services makes payments to the board under this section and chapter 74.09 RCW may continue as an enrollee, making premium payments based on the enrollee's own income as determined under the sliding scale, after eligibility for coverage under chapter 74.09 RCW has ended, as long as the enrollee remains eligible under this chapter. Nothing in this section affects the right of any person eligible for coverage under chapter 74.09 RCW to receive the services offered to other persons under that chapter but not included in the schedule of basic health care services covered by the plan. The board and the department of social and health services shall cooperatively adopt procedures to facilitate the transition of plan enrollees and payments on their behalf between the plan and the programs established under chapter 74.09 RCW.

**NEW SECTION.** Sec. 16. In addition to the powers and duties specified in sections 8 and 10 of this act, the board has the power to enter into contracts for the following functions and services:

(1) With public or private agencies, to assist the board in its duties to design or revise the schedule of covered basic health care services, and/or to monitor or evaluate the performance of participating managed health care systems.

(2) With public or private agencies, to provide technical or professional assistance to health care providers, particularly public or private nonprofit organizations and providers serving rural areas, who show serious intent and apparent capability to participate in the plan as managed health care systems.

(3) With public or private agencies, including health care service contractors registered under RCW 48.44.015, and doing business in the state, for marketing and administrative services in connection with participation of managed health care systems, enrollment of enrollees, billing and collection services to the board, and other administrative functions ordinarily performed by health care service contractors, other than insurance. Any activities of a health care service contractor pursuant to a contract with the board under this section shall be exempt from the provisions and requirements of Title 48 RCW.

**NEW SECTION.** Sec. 17. The activities and operations of the Washington basic health plan under this chapter, including those of managed health care systems to the extent of their participation in the plan, are exempt from the provisions and requirements of Title 48 RCW, except as provided in section 11 of this act.

**NEW SECTION.** Sec. 18. A new section is added to chapter 50.20 RCW to read as follows:  
The commissioner shall notify any person filing a claim under this chapter who resides in a local area served by the Washington basic health plan of the availability of basic health care coverage to qualified enrollees in the Washington basic health plan under chapter 70.-- RCW (sections 1 through 17 of this act), unless the Washington basic health plan board has notified the commissioner of a closure of enrollment in the area. The commissioner shall maintain a supply of Washington basic health plan enrollment application forms, which shall be provided in reasonably necessary quantities by the board, in each appropriate employment service office for the use of persons wishing to apply for enrollment in the Washington basic health plan.

**NEW SECTION.** Sec. 19. A new section is added to chapter 51.28 RCW to read as follows:

The director shall notify persons receiving time-loss payments under this chapter of the availability of basic health care coverage to qualified enrollees under chapter 70.-- RCW (sections 1 through 17 of this act), unless the Washington basic health plan board has notified the director of closure of enrollment in the plan. The director shall maintain supplies of Washington basic health plan enrollment application forms in all field service offices where the plan is available, which shall be provided in reasonably necessary quantities by the board for the use of persons wishing to apply for enrollment in the Washington basic health plan.

NEW SECTION. Sec. 20. A new section is added to chapter 74.04 RCW to read as follows:

The department shall notify any applicant for public assistance who resides in a local area served by the Washington basic health plan and is under sixty-five years of age of the availability of basic health care coverage to qualified enrollees in the Washington basic health plan under chapter 70.-- RCW (sections 1 through 17 of this act), unless the Washington basic health plan board has notified the department of a closure of enrollment in the area. The department shall maintain a supply of Washington basic health plan enrollment application forms, which shall be provided in reasonably necessary quantities by the board, in each appropriate community service office for the use of persons wishing to apply for enrollment in the Washington basic health plan.

NEW SECTION. Sec. 21. The Washington basic health plan board shall be appointed and commence operations as promptly as practicable after the effective date of this section. Not later than January 1, 1988, the board shall submit to the legislature a progress report including:

(1) The schedule of covered basic health care services adopted under section 10 of this act;

(2) A descriptive listing of managed health care systems expected to participate in the Washington basic health plan, along with an identification of prospective local areas for initial participation in the plan;

(3) The approximate amount of funds estimated to be on deposit in the basic health plan trust account as of March 31 and June 30, 1988;

(4) A description of the sliding fee schedule for enrollee premium payments and copayments adopted by the board under section 10 of this act;

(5) Any proposals for statutory changes which the board deems necessary to implement the purposes of this chapter; and

(6) Any other information which the board deems appropriate.

Not later than January 1, 1989, the board shall submit to the legislature a further progress report, updating its 1988 report, and covering the same items provided for therein, with projections based upon implementation of the plan to date. Further, the report shall include a description of the performance of the first managed health care systems included as eligible providers as provided in section 12 of this act. The board shall submit an annual report to the legislature by January 1 of each year thereafter.

NEW SECTION. Sec. 22. A new section is added to chapter 74.09 RCW to read as follows:

(1) The department of social and health services shall, to the extent that funds are specifically appropriated for this purpose, provide matching grants on a one-to-one state/local basis to hospitals that are designated by the hospital commission as meeting all of the following criteria:

(a) Providing an amount of charity care equal to or greater than two hundred fifty percent of the state average;

(b) A tertiary care center; and

(c) Providing ten percent of the tertiary care to patients from outside the county in which the hospital is located.

(2) Grants shall be allocated to eligible hospitals based on the hospital's relative amount of charity care.

(3) Local matching funds shall be from a nonrate-setting revenue source as defined by the hospital commission.

(4) The department shall seek matching federal Title XIX medicaid funds pursuant to the "disproportionate share" provisions of the federal social security act. If necessary to obtain federal funds, the department may use the following provision in lieu of those set forth in subsections (1), (2), and (3) of this section: A hospital is eligible for a grant if it is designated by the hospital commission as having medical assistance charges exceeding twenty percent of the hospital's total rate-setting revenue during the preceding calendar year.

NEW SECTION. Sec. 23. Sections 1 through 17 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 24. A new section is added to chapter 43.131 RCW to read as follows:

The Washington basic health plan board and its powers and duties shall be terminated on June 30, 1992, as provided in section 25 of this act.

NEW SECTION. Sec. 25. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1993:

(1) Section 1 of this act and RCW 70.....;

(2) Section 2 of this act and RCW 70.....;

- (3) Section 3 of this act and RCW 70.....;
- (4) Section 4 of this act and RCW 70.....;
- (5) Section 5 of this act and RCW 70.....;
- (6) Section 6 of this act and RCW 70.....;
- (7) Section 7 of this act and RCW 70.....;
- (8) Section 8 of this act and RCW 70.....;
- (9) Section 9 of this act and RCW 70.....;
- (10) Section 10 of this act and RCW 70.....;
- (11) Section 11 of this act and RCW 70.....;
- (12) Section 12 of this act and RCW 70.....;
- (13) Section 13 of this act and RCW 70.....;
- (14) Section 14 of this act and RCW 70.....;
- (15) Section 15 of this act and RCW 70.....;
- (16) Section 16 of this act and RCW 70.....; and
- (17) Section 17 of this act and RCW 70.....;

**NEW SECTION.** Sec. 26. (1) There is appropriated from the general fund to the basic health plan trust account, for the biennium ending June 30, 1989, the sum of six hundred thousand dollars, to carry out the purposes of this act. Such appropriation shall be repaid to the general fund as soon as practicable, but not later than June 30, 1989, from the revenue accruing to the basic health plan trust account.

(2) There is appropriated from the basic health plan trust account of the state treasury to the Washington basic health plan board, for the biennium ending June 30, 1989, the sum of twenty-eight million dollars, or as much thereof as shall be necessary, not exceeding funds deposited in the account, to carry out the purposes of chapter 70.-- RCW (sections 1 through 17 of this act).

(3) There is appropriated from the general fund to the department of social and health services for the biennium ending June 30, 1989, the sum of three million dollars, or so much thereof as may be necessary, solely to carry out the purposes of section 22 of this act.

**NEW SECTION.** Sec. 27. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION.** Sec. 28. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator McDermott, the following amendment to the Committee on Ways and Means amendment was adopted:

On page 5, line 4, after "All" strike all material down through "all" on line 5

On motion of Senator McDermott, the following amendment to the Committee on Ways and Means amendment was adopted:

On page 29, line 14, after "of" strike all material down through "(3)" on line 33 and insert "twenty-three million dollars, to carry out the purposes of chapter 70.-- RCW (sections 1 through 17 of this act).

(2)"

On motion of Senator McDermott, the following amendment to the Committee on Ways and Means amendment was adopted:

On page 29, line 7, after ":" strike all material down through line 9 and insert the following:

- "(17) Section 17 of this act and RCW 70.....;
- (18) Section 18 of this act and RCW 50.20.....;
- (19) Section 19 of this act and RCW 51.28.....; and
- (20) Section 20 of this act and RCW 74.04....."

On motion of Senator Owen, the following amendments to the Committee on Ways and Means amendment were considered simultaneously and adopted:

On page 26, before line 2, insert the following:

"(5) An evaluation of the financial viability of rural hospitals and the availability of necessary health care services in such areas, based upon any contacts or negotiations either the board or staff may have had with providers in rural areas of the state, together with any specific recommendations they may wish to make."

Renumber the subsections accordingly.

On page 27, after line 30, insert the following:

**NEW SECTION.** Sec. 23. The department of social and health services shall conduct an evaluation of the financial viability of those hospitals with a catchment area that is largely rural and, by January 1, 1989, provide the legislature with a report including recommendations or options that might be adopted that would assist such communities in preserving those valuable resources."

Renumber the sections consecutively.

Senator Wojahn moved that the following amendment to the Committee on Ways and Means amendment be adopted:

On page 26, beginning on line 23, strike all material down to and including "year." on page 27, line 30

Renumber the remaining sections consecutively

Debate ensued.

#### POINT OF INQUIRY

Senator Nelson: "Senator McDermott, just to clarify what this section of the measure is purported to do, I would ask you to look at Section 22, line 26 and then lines 27, 28 and 29. This is a two part question. Senator McDermott, it says that these particular monies will be given by the Department of Social and Health Services, quote 'to the extent that funds are specifically appropriated for this purpose.' The first question is, appropriated by whom? Is that intended to be an appropriation by the Legislature or via Social and Health Services under some particular division of that Department? Then, the second question is, have we, at any point, during the budget process thus far, made any specific appropriation that would conform to this section?"

Senator McDermott: "The first part of your question, there has to be an appropriation of money and that is in this bill. There is twenty-three million dollars at the end of the bill, so that money is in the appropriation. The other part of it is--the second part of your question, repeat that again for me."

Senator Nelson: "I think you have answered the second part as well, because what I am trying to figure out is, where the money would be appropriated. If it's to be a part of this measure, or part of the regular budget, then I guess a follow-up question would be, subsequent to the passing of this bill, would it not then require that future Legislatures continue to appropriate and specifically designate money for the purpose of this section?"

Senator McDermott: "If there is going to a further carrying on of this program--it's not something that goes on automatically--it would have to be appropriated in the future, as well."

Senator Nelson: "But, as I understand it, the money is appropriated in this measure to specifically give dollars on a matching basis under Section 22 to the hospitals that would qualify."

Senator McDermott: "That's correct, Senator."

#### POINT OF INQUIRY

Senator Smitherman: "Senator McDermott, in discussing those criteria that you had for the amount of charity care and so on, are there any hospitals outside the two that you listed that would fall within the range where they would be eligible for funds?"

Senator McDermott: "We looked at the hospitals in the state and the criteria, first of all the two hundred and fifty percent above the state average in charity care; secondly, a tertiary care center and finally, provides ten percent of tertiary care for patients outside the county. So, there are three criteria and to our knowledge that is really only two hospitals at this point and as things get worse, it might surprise us all how many hospitals wind up with two hundred and fifty percent priorities, or two hundred and fifty percent above the state average. The tertiary care question would be a very limited number of hospitals that could ever qualify if that criteria were left in. You are really talking about hospitals that use very high level care--hi tech kinds of medicine that are very expensive. We are talking about \$1,000 to \$1,500 a day for a bed--those kinds of operations and there are very few in the state."

Senator Smitherman: "Senator McDermott, I was wondering if you could answer another question? Did any hospital contact you and say, 'hey, we specifically want to be included or excluded from this' or anything like that? Was there contact by them saying, 'hey we'd like to be in this bill?'"

Senator McDermott: "This provision was added in the House. It came in the House Bill. Nobody has contacted me since this bill has been in the Senate and asked to be added."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Wojahn to the Committee on Ways and Means amendment.

The motion by Senator Wojahn failed and the amendment to the committee amendment was not adopted on a rising vote.

#### MOTIONS

On motion of Senator Sellar, the following amendment to the Committee on Ways and Means amendment was adopted:

On page 6, line 4, after "services" insert "and one member shall have expertise in health care benefit design, as well as the administration of a health care benefits program by private employers."

On motion of Senator McDermott, the following title amendment was adopted:

On page 1, beginning on line 1 of the title, after "health care;" strike the remainder of the title and insert "adding new sections to chapter 43.131 RCW; adding a new section to chapter 50.20 RCW; adding a new section to chapter 51.28 RCW; adding a new section to chapter 74.04 RCW; adding a new section to chapter 74.09 RCW; adding a new chapter to Title 70 RCW; creating new sections; making appropriations; and declaring an emergency."

#### MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed Second Substitute House Bill No. 477, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Moore: "Senator Zimmerman, what would you consider to be a reasonable length of time to negotiate and work on this type of legislation?"

Senator Zimmerman: "The budget is what we are talking about. Senator McDermott is the best qualified."

Senator Moore: "Senator Zimmerman, I am speaking about the bill that we have before us and to which you alluded."

Senator Zimmerman: "This bill should be part of the total negotiations going on in regard to the budget. It should be part of that total picture. Hopefully, it will be."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute House Bill No. 477, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute House Bill No. 477, as amended by the Senate, and the bill failed to pass the Senate by the following vote: Yeas, 24; nays, 23; absent, 2.

Voting yea: Senators Bauer, Bender, Boltiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Moore, Owen, Peterson, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 24.

Voting nay: Senators Anderson, Bailey, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, West, Zimmerman - 23.

Absent: Senators Barr, Kiskaddon - 2.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 477, as amended by the Senate, having failed to receive the constitutional majority, was declared lost.

#### NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Newhouse served notice that he would move to reconsider the vote by which Engrossed Second Substitute House Bill No. 477, as amended by the Senate, failed to pass the Senate.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 498, by Committee on Commerce and Labor (originally sponsored by Representatives Sayan, Patrick, Wang, Winsley, Fisch, Day, Walker, Vekich, R. King and Dellwo)

Changing provisions relating to collective bargaining for fire fighters and emergency medical personnel.

The bill was read the second time.

## MOTION

Senator Cantu moved that the following amendment be adopted:  
On page 2, line 15, after "employed" insert "on a fulltime basis"

## POINT OF INQUIRY

Senator Vognild: "Senator Cantu, under the intent of your amendment, if an individual is working, we'll say, six hours a day on a regular schedule, so they were regularly employed on a regular schedule, but only working six hours a day, thirty hours a week, would they qualify under this wording?"

Senator Cantu: "Yes, Senator Vognild, they would. My intent on fulltime is someone, they don't necessarily have to work eight hours, but they would be a regularly scheduled employee that would be there all the time, so they would be covered."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Cantu.

The motion by Senator Cantu carried and the amendment was adopted.

## MOTION

On motion of Senator Warnke, the rules were suspended, Engrossed Substitute House Bill No. 498, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Anderson: "Senator Vognild, I had a call from my city personnel director in Bellingham and I had passed the question on to you and I wanted to know if the people that we take under this bill--the dispatchers--are part of a bargaining unit? Do just the dispatchers then have the binding arbitration in that unit, or does the whole unit become a binding arbitration unit?"

Senator Vognild: "Senator Anderson, I was unable to determine exactly what type of a structure of dispatching that they have. If the dispatchers involved are, in fact, regular employees of the fire department, they would be covered. Now, the only operation that I know of that operates in that manner--if the city through the fire department operates the dispatching center and nobody is there except the dispatchers, yes, they would be. If they are operating a separate dispatching department, if you will, then they would not be regular employees of the fire department. Therefore, none of them would be covered under this. We are only talking about that narrow group who are covered as regular employees of a fire department."

## MOTION

On motion of Senator Zimmerman, Senators Barr and Kiskaddon were excused. The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 498, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 498, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 30; nays, 17; excused, 2.

Voting yeas: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kreidler, McDermott, Moore, Owen, Peterson, Pullen,

Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 30.

Voting nay: Senators Anderson, Bailey, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Sellar, Zimmerman - 17.

Excused: Senators Barr, Kiskaddon - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 498, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 522, by Committee on Natural Resources (originally sponsored by Representatives Meyers, Sutherland, S. Wilson and C. Smith)

Modifying purposes for which state land may be exchanged.

The bill was read the second time.

#### MOTION

On motion of Senator Owen, the rules were suspended. Substitute House Bill No. 522 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 522.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 522 and the bill passed the Senate by the following vote: Yeas, 43; nays, 4; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McDermott, McDonald, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, West, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senators Craswell, McCaslin, Metcalf, Warnke - 4.

Absent: Senator Sellar - 1.

Excused: Senator Kiskaddon - 1.

SUBSTITUTE HOUSE BILL NO. 522, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 632, by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Fisch, Winsley, Day, R. King, Fisher, Baugher, Lux and Crane)

Authorizing retirement allowance deductions for political committee dues.

The bill was read the second time.

#### MOTION

On motion of Senator Vognild, the rules were suspended. Substitute House Bill No. 632 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 632.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 632 and the bill failed to pass the Senate by the following vote: Yeas, 21; nays, 25; absent, 2; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Hansen, Kreidler, McDermott, Moore, Peterson, Rinehart, Smitherman, Stratton, Talmadge, Vognild, Warnke, Williams, Wojahn - 21.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Halsan, Hayner, Johnson, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, von Reichbauer, West, Zimmerman - 25.

Absent: Senators Sellar, Tanner - 2.

Excused: Senator Kiskaddon - 1.

SUBSTITUTE HOUSE BILL NO. 632, having failed to receive the constitutional majority, was declared lost.

#### NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Halsan served notice that he would move to reconsider the vote by which Substitute House Bill No. 632 failed to pass the Senate.

#### MOTION

On motion of Senator Zimmerman, Senator Sellar was excused.

There being no objection, the President returned the Senate to the fourth order of business.

#### MESSAGE FROM THE HOUSE

April 1, 1987

Mr. President:

The House has passed SENATE BILL NO. 5051 with the following amendments:

On page 1, line 4, after "chapter" strike "43.21C" and insert "43.21A"

On page 1, line 2 of the title, after "chapter" strike "43.21C" and insert "43.21A".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Kreidler, the Senate concurred in the House amendments to Senate Bill No. 5051.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5051, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5051, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Kiskaddon, Sellar - 2.

SENATE BILL NO. 5051, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 7, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5249, with the following amendment:

Strike everything after the enacting clause and insert the following:

\* Sec. 1. Section 1, chapter 151, Laws of 1903 as last amended by section 2, chapter 331, Laws of 1981 and RCW 2.32.070 are each amended to read as follows:

The clerk of the supreme court and the clerks of the court of appeals shall collect the following fees for their official services:

Upon filing his first paper or record and making an appearance, the appellant or petitioner shall pay to the clerk of said court a docket fee of one hundred twenty-five dollars.

For copies of opinions, twenty cents per folio: PROVIDED, That counsel of record and criminal defendants shall be supplied a copy without charge.

For certificates showing admission of an attorney to practice law ~~((two))~~ five dollars, except that there shall be no fee for an original certificate to be issued at the time of his admission.

For filing a notice of appeal or notice of discretionary review of a decision of the court of appeals, one hundred dollars.

The foregoing fees shall be all the fees connected with the appeal or special proceeding.

No fees shall be required to be advanced by the state or any municipal corporation, or any public officer prosecuting or defending on behalf of such state or municipal corporation.

Sec. 2. Section 110, chapter 299, Laws of 1961 as last amended by section 309, chapter 258, Laws of 1984 and RCW 3.62.060 are each amended to read as follows:

In any civil action commenced before or transferred to a district court, if the amount in controversy is two thousand dollars or less, the plaintiff shall, at the time of such commencement or transfer, pay to such court a filing fee of ~~((twenty))~~ twenty-five dollars. In any civil action commenced before or transferred to a district court, if the amount in controversy is more than two thousand dollars, the plaintiff shall, at the time of commencement or transfer, pay to such court a filing fee of twenty-five dollars. No party shall be compelled to pay to the court any other fees or charges up to and including the rendition of judgment in the action.

Sec. 3. Section 1, chapter 38, Laws of 1973 as last amended by section 104, chapter 7, Laws of 1985 and by section 1, chapter 24, Laws of 1985 and RCW 36.18.020 are each reenacted and amended to read as follows:

Clerks of superior courts shall collect the following fees for their official services:

(1) The party filing the first or initial paper in any civil action, including an action for restitution, or change of name, shall pay, at the time said paper is filed, a fee of ~~((seventy))~~ seventy-five dollars except in proceedings filed under RCW 26.50.030 where the petitioner shall pay a filing fee of twenty dollars.

(2) Any party filing the first or initial paper on an appeal from ~~((justice))~~ a court of limited jurisdiction or on any civil appeal, except a defendant in a criminal action, shall pay, when said paper is filed, a fee of ~~((seventy))~~ seventy-five dollars.

(3) The party filing a transcript or abstract of judgment or verdict from a United States court held in this state, or from the superior court of another county or from a ~~((justice))~~ district court in the county of issuance, shall pay at the time of filing, a fee of fifteen dollars.

(4) For the filing of a tax warrant by the department of revenue of the state of Washington, a fee of five dollars shall be paid.

(5) For the filing of a petition for modification of a decree of dissolution, a fee of twenty dollars shall be paid.

(6) The party filing a demand for jury of six in a civil action, shall pay, at the time of filing, a fee of twenty-five dollars; if the demand is for a jury of twelve the fee shall be fifty dollars. If, after the party files a demand for a jury of six and pays the required fee, any other party to the action requests a jury of twelve, an additional twenty-five dollar fee will be required of the party demanding the increased number of jurors.

~~((6))~~ (7) For filing any paper, not related to or a part of any proceeding, civil or criminal, or any probate matter, required or permitted to be filed in ~~((his))~~ the clerk's office for which no other charge is provided by law, or for filing a petition, written agreement, or memorandum as provided in RCW 11.96.170, the clerk shall collect two dollars.

~~((7))~~ (8) For preparing, transcribing or certifying any instrument on file or of record in ~~((his))~~ the clerk's office, with or without seal, for the first page or portion thereof, a fee of two dollars, and for each additional page or portion thereof, a fee of one dollar. For authenticating or exemplifying any instrument, a fee of one dollar for each additional seal affixed.

~~((8))~~ (9) For executing a certificate, with or without a seal, a fee of two dollars shall be charged.

~~((9))~~ (10) For each garnishee defendant named in an affidavit for garnishment and for each writ of attachment, a fee of five dollars shall be charged.

~~((10))~~ (11) For approving a bond, including justification thereon, in other than civil actions and probate proceedings, a fee of two dollars shall be charged.

~~((11))~~ (12) In probate proceedings, the party instituting such proceedings, shall pay at the time of filing the first paper therein, a fee of ~~((seventy))~~ seventy-five dollars: PROVIDED, HOWEVER, A fee of two dollars shall be charged for filing a will only, when no probate of the will is contemplated. Except as provided for in subsection (12) of this section a fee of two dollars shall be charged for filing a petition, written agreement, or memorandum as provided in RCW 11.96.170.

~~((12))~~ (13) For filing any petition to contest a will admitted to probate or a petition to admit a will which has been rejected, or a petition objecting to a written agreement or memorandum as provided in RCW 11.96.170, there shall be paid a fee of ~~((seventy))~~ seventy-five dollars.

~~((13))~~ (14) For the issuance of each certificate of qualification and each certified copy of letters of administration, letters testamentary or letters of guardianship there shall be a fee of two dollars.

~~((14))~~ (15) For the preparation of a passport application there shall be a fee of four dollars.

~~((15))~~ (16) For searching records for which a written report is issued there shall be a fee of eight dollars per hour.

~~((16))~~ (17) Upon conviction or plea of guilty or upon failure to prosecute ~~((his))~~ an appeal from a ~~((lower))~~ court of limited jurisdiction as provided by law, a defendant in a criminal case shall be liable for a fee of seventy dollars.

~~((17))~~ (18) With the exception of demands for jury hereafter made and garnishments hereafter issued, civil actions and probate proceedings filed prior to midnight, July 1, 1972, shall be completed and governed by the fee schedule in effect as of January 1, 1972: PROVIDED, That no fee shall be assessed if an order of dismissal on the clerk's record be filed as provided by rule of the supreme court.

~~((18))~~ (19) No fee shall be collected when a petition for relinquishment of parental rights is filed pursuant to RCW 26.33.080 or for forms and instructional brochures provided under RCW 26.50.030.

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

### MOTION

Senator Talmadge moved that the Senate do not concur in the House amendment to Substitute Senate Bill No. 5249 and asks the House to recede therefrom.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Talmadge that the Senate do not concur in the House amendment to Substitute Senate Bill No. 5249 and asks the House to recede therefrom.

The motion by Senator Talmadge carried and the Senate did not concur in the House amendment to Substitute Senate Bill No. 5249 and asks the House to recede therefrom

### MESSAGE FROM THE HOUSE

March 27, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5389 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 6, chapter 183, Laws of 1974 ex. sess. and RCW 70.107.060 are each amended to read as follows:

(1) Nothing in this chapter shall be construed to deny, abridge or alter alternative rights of action or remedies in equity or under common law or statutory law, criminal or civil.

(2) Nothing in this chapter shall deny, abridge or alter any powers, duties and functions relating to noise abatement and control now or hereafter vested in any state agency, nor shall this chapter be construed as granting jurisdiction over the industrial safety and health of employees in work places of the state, as now or hereafter vested in the department of labor and industries.

(3) ~~((No local government shall adopt resolutions, ordinances, rules or regulations concerned with the control of noise which shall be effective prior to adoption of maximum noise levels and the rules adopted by the department pursuant to this chapter or January 31, 1975, whichever occurs sooner. Such resolutions, ordinances, rules, or regulations must be consistent with RCW 70.107.060(4).))~~

(4) Standards and other control measures adopted by the department under this chapter shall be exclusive except as hereinafter provided. A local government may impose limits or control sources differing from those adopted or controlled by the department upon a finding that such requirements are necessitated by special conditions. ~~((No such noise limiting requirements of local government shall be valid unless first approved by the department. If disapproved the local government may appeal the decision to the pollution control hearings board which shall decide the appeal on the basis of the provisions of this chapter, and the applicable regulations, together with such briefs, testimony, and oral argument as the hearings board in its discretion may require. In the determination of whether to grant any such approval, the department shall give consideration to the reasonableness and practicability of compliance with particular attention to the situation of stationary sources, the noise producing operations of which are conducted at or near jurisdictional boundaries.))~~ Noise limiting requirements of local government which differ from those adopted or controlled by the department shall be invalid unless first approved by the department. If the department of ecology fails to approve or disapprove standards submitted by local governmental jurisdictions within ninety days of submittal, such standards shall be deemed approved. If disapproved, the local government may appeal the decision to the pollution control hearings board which shall decide the appeal on

the basis of the provisions of this chapter, and the applicable regulations, together with such briefs, testimony, and oral argument as the hearings board in its discretion may require. The department determination of whether to grant approval shall depend on the reasonableness and practicability of compliance. Particular attention shall be given to stationary sources located near jurisdictional boundaries, and temporary noise producing operations which may operate across one or more jurisdictional boundaries.

~~((5))~~ (4) In carrying out the rule-making authority provided in this chapter, the department shall follow the procedures of the administrative procedure act, chapter 34.04 RCW, and shall take care that no rules adopted purport to exercise any powers preempted by the United States under federal law.

Sec. 2. Section 5, chapter 183, Laws of 1974 ex. sess. and RCW 70.107.050 are each amended to read as follows:

(1) Any person who violates any rule adopted by the department under this chapter shall be subject to a civil penalty not to exceed one hundred dollars imposed by local government pursuant to this section. An action under this section shall not preclude enforcement of any provisions of the local government noise ordinance. ~~((All violations of this chapter shall be administered pursuant to the provisions of chapter 34.04 RCW, the state administrative procedure act.))~~

Penalties shall become due and payable thirty days from the date of receipt of a notice of penalty unless within such time said notice is appealed in accordance with the administrative procedures of the local government, or if it has no such administrative appeal, to the pollution control hearings board pursuant to the provisions of chapter 43.21B RCW and procedural rules adopted thereunder. In cases in which appeals are timely filed, penalties sustained by the local administrative agency or the pollution control hearings board shall become due and payable on the issuance of said agency or board's final order in the appeal.

(2) Whenever penalties incurred pursuant to this section have become due and payable but remain unpaid, the attorney ~~((general shall, upon request of the director,))~~ for the local government may bring an action ~~((in the name of the state of Washington,))~~ in the superior court of ~~((Thurston county or in))~~ the county in which the violation occurred for recovery of penalties incurred. In all such actions the procedures and rules of evidence shall be the same as in any other civil action. ~~((All penalties recovered under this section shall be paid into the state treasury and credited to the general fund.))~~

On page 1, line 1 of the title, after "control;" strike the remainder of the title and insert "and amending RCW 70.107.060 and 70.107.050."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

Senator Kreidler moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 5389.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Kreidler that the Senate do concur in the House amendments to Substitute Senate Bill No. 5389.

The motion by Senator Kreidler carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 5389.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5389, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5389, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Kiskaddon, Sellar - 2.

SUBSTITUTE SENATE BILL NO. 5389, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 7, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5688 with the following amendment:

On page 3, line 1 after "regular" insert ":",

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

Senator Smitherman moved that the Senate do concur in the House amendment to Substitute Senate Bill No. 5688.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Smitherman that the Senate do concur in the House amendment to Substitute Senate Bill No. 5688.

The motion by Senator Smitherman carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5688.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5688, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5688, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; excused, 2.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalfe, Moore, Nelson, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vogt, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senators Barr, Bluechel, Patterson - 3.

Excused: Senators Kiskaddon, Sellar - 2.

SUBSTITUTE SENATE BILL NO. 5688, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 7, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5779 with the following amendments:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION.** Sec. 1. (1) "Motor vehicle service contract" or "service contract" means a contract or agreement given for consideration over and above the lease or purchase price of a motor vehicle that undertakes to perform or provide repair or replacement service, or indemnification for that service, for the operational or structural failure of a motor vehicle due to a defect in materials or skill of work or normal wear and tear, but does not include mechanical breakdown insurance.

(2) "Motor vehicle service contract provider" or "provider" means a person who issues, makes, provides, sells, or offers to sell a motor vehicle service contract.

(3) "Mechanical breakdown insurance" means a policy, contract, or agreement that undertakes to perform or provide repair or replacement service, or indemnification for that service, for the operational or structural failure of a motor vehicle due to a defect in materials or skill of work or normal wear and tear, and that is issued by an insurance company authorized to do business in this state.

(4) "Motor vehicle service contract reimbursement insurance policy" or "reimbursement insurance policy" means a policy of insurance providing coverage for all obligations and liabilities incurred by a motor vehicle service contract provider under the terms of motor vehicle service contracts issued by the provider.

(5) "Motor vehicle" means any vehicle subject to registration under chapter 46.16 RCW.

(6) "Service contract holder" means a person who purchases a motor vehicle service contract.

NEW SECTION, Sec. 2. A motor vehicle service contract shall not be issued, sold, or offered for sale in this state unless the provider of the service contract is insured under a motor vehicle service contract reimbursement insurance policy issued by an insurer authorized to do business in this state.

NEW SECTION, Sec. 3. A motor vehicle service contract reimbursement insurance policy shall not be issued, sold, or offered for sale in this state unless the reimbursement insurance policy conspicuously states that the issuer of the policy shall pay on behalf of the provider all sums which the provider is legally obligated to pay for failure to perform according to the provider's contractual obligations under the motor vehicle service contracts issued or sold by the provider.

NEW SECTION, Sec. 4. A motor vehicle service contract shall not be issued, sold, or offered for sale in this state unless the contract conspicuously states that the obligations of the provider to the service contract holder are guaranteed under the service contract reimbursement policy, and unless the contract conspicuously states the name and address of the issuer of the reimbursement policy, the applicable policy number, and the means by which a service contract holder may file a claim under the policy.

NEW SECTION, Sec. 5. This chapter does not apply to motor vehicle service contracts issued by a motor vehicle manufacturer or importer.

NEW SECTION, Sec. 6. Failure to comply with the provisions of this act is an unfair method of competition and an unfair or deceptive act or practice in the conduct of a trade or commerce, as specifically contemplated by RCW 19.86.020, and is a violation of the Consumer Protection Act, chapter 19.86 RCW. Any service contract holder injured as a result of a violation of a provision of this chapter shall be entitled to maintain an action pursuant to chapter 19.86 RCW against the motor vehicle service contract provider and the insurer issuing the applicable motor vehicle service contract reimbursement policy and shall be entitled to all of the rights and remedies afforded by that chapter. Any successful claimant under this section shall also be entitled to reasonable attorneys' fees.

NEW SECTION, Sec. 7. This act shall apply to all motor vehicle service contracts issued, sold, or offered for sale on or after January 1, 1988.

NEW SECTION, Sec. 8. Sections 1 through 7 of this act shall constitute a new chapter in Title 48 RCW."

On line 1 of the title, after "insurers;" strike the remainder of the title and insert "adding a new chapter to Title 48 RCW; and providing an effective date."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Vognild, the Senate concurred in the House amendments to Substitute Senate Bill No. 5779.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5779, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5779, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senator Benitz - 1.

Excused: Senators Kiskaddon, Sellar - 2.

SUBSTITUTE SENATE BILL NO. 5779, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 7, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5047 with the following amendments:

On page 1, line 9, after "person." insert:

"In order to qualify under this section the surviving spouse must have been married to the deceased former prisoner of war during the period of his or her incarceration.

On page 1, after line 15, insert the following:

"Sec. 2. Section 1, chapter 178, Laws of 1949 as last amended by section 2, chapter 230, Laws of 1983 and RCW 73.04.110 are each amended to read as follows:

Any person who is a veteran as defined in RCW 41.04.005 who submits to the department of licensing satisfactory proof of a service-connected disability rating from the veterans administration or the military service from which the veteran was discharged and:

(1) Has lost the use of both hands or one foot;

(2) Was captured and incarcerated for more than twenty-nine days by an enemy of the United States during a period of war with the United States;

(3) Has become blind in both eyes as the result of military service; or

(4) Is rated by the veterans administration or the military service from which the veteran was discharged and is receiving service-connected compensation at the one hundred percent rate that is expected to exist for more than one year;

is entitled to regular or special license plates issued by the department of licensing. The special license plates shall bear distinguishing marks, letters, or numerals indicating that the motor vehicle is owned by a disabled veteran or former prisoner of war. This license shall be issued annually for one personal use vehicle without payment of any license fees or excise tax thereon. Whenever any person who has been issued license plates under the provisions of this section applies to the department for transfer of the plates to a subsequently acquired motor vehicle, a transfer fee of five dollars shall be charged in addition to all other appropriate fees. The department may periodically verify the one hundred percent rate as provided in subsection (4) of this section.

Any person who has been issued free motor vehicle license plates under this section prior to July 1, 1983, shall continue to be eligible for the annual free license plates.

For the purposes of this section, "blind" means the definition of "blind" used by the state of Washington in determining eligibility for financial assistance to the blind under Title 74 RCW.

Any unauthorized use of a special plate is a gross misdemeanor."

On page 1, line 1 of the title, after "plates;" insert "amending RCW 73.04.110;"

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Hansen, the Senate concurred in the House amendments to Substitute Senate Bill No. 5047.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5047, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5047, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Kiskaddon, Sellar - 2.

SUBSTITUTE SENATE BILL NO. 5047, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 7, 1987

Mr. President:

The House has passed SENATE BILL NO. 5159 with the following amendments:

On page 2, line 5 after "voucher" strike "": PROVIDED, That the" and insert "((PROVIDED; ~~That the)) The"~~

On page 2, line 7 following "biennium." insert "The fares established by the county shall be comparable to those used for similar runs on the state ferry system."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

Senator Hansen moved that the Senate do not concur in the House amendments to Senate Bill No. 5159 and asks the House to recede therefrom.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Hansen, I haven't checked the amendment, but all they're saying is to up their fares 'a little bit and they still can have a subsidy. What is the fare now on this ferry?"

Senator Hansen: "I guarantee it is as high as any of the fares we have on our state ferries and if you try to crowd them up anymore--their mail there--they have to use it. It's as bad as being on the Island. It's not like the county ferries that you have in your area where they are already getting gas tax money for that purpose, so this is a unique situation. It's a state highway and there are a few other considerations that tie in between Washington and Oregon. I really think they should have a break on that."

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Hansen that the Senate do not concur in the House amendments to Senate Bill No. 5159 and asks the House to recede therefrom.

The motion by Senator Hansen carried and the Senate did not concur in the House amendments to Senate Bill No. 5159 and asks the House to recede therefrom.

## MESSAGE FROM THE HOUSE

April 7, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5254 with the following amendments:

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 2, chapter 49, Laws of 1965 and RCW 66.44.291 are each amended to read as follows:

Every person between the ages of eighteen and twenty, inclusive, who is convicted of a violation of RCW 66.44.290 (~~shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail for a term of not more than thirty days, or both~~) is guilty of a misdemeanor punishable as provided by RCW 9A.20.021, except that a minimum fine of two hundred fifty dollars shall be imposed and any sentence requiring community service shall require not fewer than twenty-five hours of such service.

Sec. 2. Section 1, chapter 147, Laws of 1961 and RCW 66.44.325 are each amended to read as follows:

Any person who transfers in any manner an identification of age to a minor for the purpose of permitting such minor to obtain alcoholic beverages shall be guilty of a misdemeanor punishable as provided by RCW 9A.20.021, except that a minimum fine of two hundred fifty dollars shall be imposed and any sentence requiring community service shall require not fewer than twenty-five hours of such service; PROVIDED, That corroborative testimony of a witness other than the minor shall be a condition precedent to conviction.

NEW SECTION, Sec. 3. A new section is added to chapter 66.44 RCW to read as follows:

No person may forge, alter, counterfeit, otherwise prepare or acquire and supply to a person under the age of twenty-one years a facsimile of any of the officially issued cards of identification that are required for presentation under RCW 66.16.040. A violation of this section is a gross misdemeanor punishable as provided by RCW 9A.20.021 except that a minimum fine of two thousand five hundred dollars shall be imposed.

Sec. 4. Section 5, chapter 67, Laws of 1949 as last amended by section 8, chapter 209, Laws of 1973 1st ex. sess. and RCW 66.20.200 are each amended to read as follows:

It shall be unlawful for the owner of a card of identification to transfer the card to any other person for the purpose of aiding such person to procure alcoholic beverages from any licensee or store employee. Any person who shall permit his card of identification to be used by another or transfer such card to another for the purpose of aiding such transferee to obtain alcoholic beverages from a licensee or store employee, shall be guilty of a misdemeanor ~~((and upon conviction thereof shall be sentenced to pay a fine of not more than one hundred dollars or imprisonment for not more than thirty days or both))~~ punishable as provided by RCW 9A.20.021, except that a minimum fine of two hundred fifty dollars shall be imposed and any sentence requiring community service shall require not fewer than twenty-five hours of such service. Any person not entitled thereto who unlawfully procures or has issued or transferred to him a card of identification, and any person who possesses a card of identification not issued to him, and any person who makes any false statement on any certification card required by

RCW 66.20.190, as now or hereafter amended, to be signed by him, shall be guilty of a misdemeanor ~~((and upon conviction thereof shall be sentenced to pay a fine of not more than one hundred dollars or imprisonment for not more than thirty days or both))~~ punishable as provided by RCW 9A.20.021, except that a minimum fine of two hundred fifty dollars shall be imposed and any sentence requiring community service shall require not fewer than twenty-five hours of such service.

On page 1, line 1 of the title, after "minors;" strike the remainder of the title and insert "amending RCW 66.44.291, 66.44.325, and 66.20.200; adding a new section to chapter 66.44 RCW; and prescribing penalties."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

Senator Warnke moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 5254.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Warnke that the Senate do concur in the House amendments to Substitute Senate Bill No. 5254.

The motion by Senator Warnke carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 5254.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5254, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5254, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, Meicalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Kiskaddon, Sellar - 2.

SUBSTITUTE SENATE BILL NO. 5254, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 7, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5179 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 43.78.030, chapter 8, Laws of 1965 as last amended by section 2, chapter 164, Laws of 1982 and RCW 43.78.030 are each amended to read as follows:

The public printer shall print and bind the session laws, the journals of the two houses of the legislature, all bills, resolutions, documents, and other printing and binding of either the senate or house, as the same may be ordered by the legislature; and such forms, blanks, record books, and printing and binding of every description as may be ordered by all state officers, boards, commissions, and institutions, and the supreme court, and the court of appeals and officers thereof, as the same may be ordered on requisition, from time to time, by the proper authorities(~~(- PROVIDED, That)~~). This section shall not apply to the printing of the supreme court(~~(;)~~) and the court of appeals reports(~~(- PROVIDED FURTHER, That)~~). Where any institution or institution of higher learning of the state is or may become equipped with facilities for doing such work, it may do any printing: (1) For itself, or (2) for any other state institution when such printing is done as part of a course of study relative to the profession of printer(~~(- AND PROVIDED FURTHER, That except under RCW 43.19.532;)~~). Any printing and binding of whatever description as may be needed by any institution of higher learning, institution or agency of the state department of social and health services not at Olympia, or the supreme court or the court of appeals or any officer thereof, the estimated cost of which shall not exceed ~~((two hundred))~~ one thousand dollars, may be done by any private printing company in the general vicinity within the state of Washington so ordering, if in the judgment of the officer of ~~((said))~~ the agency so ordering, the saving in time and processing justifies the award to such

local private printing concern. Further, where any printing or binding needed by an institution of higher education is to be paid for from research grant or contract funds, short course revenues, or other nonstate appropriated funding source, such printing or binding may be done by any private printing company in the state of Washington, irrespective of the dollar limit specified in this section, when in the judgment of the officer of the institution so ordering, the saving in time or cost justifies the award to such local private printing concern.

Beginning on July 1, 1989, and on July 1 of each succeeding odd-numbered year, the dollar limit specified in this section shall be adjusted as follows: The office of financial management shall calculate such limit by adjusting the previous biennium's limit by an appropriate federal inflationary index reflecting the rate of inflation for the previous biennium. Such amounts shall be rounded to the nearest fifty dollars."

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Rinehart, the Senate concurred in the House amendment to Substitute Senate Bill No. 5179.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5179, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5179, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Kiskaddon, Sellar - 2.

SUBSTITUTE SENATE BILL NO. 5179, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGES FROM THE HOUSE

April 9, 1987

Mr. President:

The Speaker has signed:

SENATE BILL NO. 5062,

SENATE BILL NO. 5067,

SENATE BILL NO. 5148,

SUBSTITUTE SENATE BILL NO. 5155,

SENATE BILL NO. 5161,

SUBSTITUTE SENATE BILL NO. 5199,

SENATE BILL NO. 5204,

SENATE BILL NO. 5227,

SUBSTITUTE SENATE BILL NO. 5288,

SUBSTITUTE SENATE BILL NO. 5329,

SENATE BILL NO. 5381,

SENATE BILL NO. 5403,

SUBSTITUTE SENATE BILL NO. 5417,

SENATE BILL NO. 5418,

SENATE BILL NO. 5427,

SUBSTITUTE SENATE BILL NO. 5519,

SENATE BILL NO. 5536,

SUBSTITUTE SENATE BILL NO. 5598,

SENATE BILL NO. 5712,

SENATE JOINT MEMORIAL NO. 8006,

SENATE CONCURRENT RESOLUTION NO. 8408,

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 9, 1987

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 31,  
HOUSE BILL NO. 44,  
HOUSE BILL NO. 49,  
HOUSE BILL NO. 51,  
HOUSE BILL NO. 68,  
HOUSE BILL NO. 75,  
HOUSE BILL NO. 96,  
SUBSTITUTE HOUSE BILL NO. 124,  
HOUSE BILL NO. 146,  
HOUSE BILL NO. 148,  
HOUSE BILL NO. 187,  
HOUSE BILL NO. 235,  
HOUSE BILL NO. 255,  
SECOND SUBSTITUTE HOUSE BILL NO. 257,  
HOUSE BILL NO. 377,  
HOUSE BILL NO. 378,  
SUBSTITUTE HOUSE BILL NO. 385,  
HOUSE BILL NO. 410,  
SUBSTITUTE HOUSE BILL NO. 458,  
SUBSTITUTE HOUSE BILL NO. 489,  
SUBSTITUTE HOUSE BILL NO. 508,  
HOUSE BILL NO. 520,  
HOUSE BILL NO. 545,  
SUBSTITUTE HOUSE BILL NO. 563,  
SUBSTITUTE HOUSE BILL NO. 571,  
HOUSE BILL NO. 671,  
SUBSTITUTE HOUSE BILL NO. 697,  
HOUSE BILL NO. 699,  
SUBSTITUTE HOUSE BILL NO. 805,  
HOUSE BILL NO. 827,  
SUBSTITUTE HOUSE BILL NO. 942,  
SUBSTITUTE HOUSE BILL NO. 1004,  
HOUSE BILL NO. 1021,  
HOUSE BILL NO. 1180,  
and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 31,  
HOUSE BILL NO. 44,  
HOUSE BILL NO. 49,  
HOUSE BILL NO. 51,  
HOUSE BILL NO. 68,  
HOUSE BILL NO. 75,  
HOUSE BILL NO. 96,  
SUBSTITUTE HOUSE BILL NO. 124,  
HOUSE BILL NO. 146,  
HOUSE BILL NO. 148,  
HOUSE BILL NO. 187,  
HOUSE BILL NO. 235,  
HOUSE BILL NO. 255,  
SECOND SUBSTITUTE HOUSE BILL NO. 257,  
HOUSE BILL NO. 377,  
HOUSE BILL NO. 378,  
SUBSTITUTE HOUSE BILL NO. 385,  
HOUSE BILL NO. 410,  
SUBSTITUTE HOUSE BILL NO. 458,

SUBSTITUTE HOUSE BILL NO. 489,  
SUBSTITUTE HOUSE BILL NO. 508,  
HOUSE BILL NO. 520,  
HOUSE BILL NO. 545,  
SUBSTITUTE HOUSE BILL NO. 563,  
SUBSTITUTE HOUSE BILL NO. 571,  
HOUSE BILL NO. 671,  
SUBSTITUTE HOUSE BILL NO. 697,  
HOUSE BILL NO. 699,  
SUBSTITUTE HOUSE BILL NO. 805,  
HOUSE BILL NO. 827,  
SUBSTITUTE HOUSE BILL NO. 942,  
SUBSTITUTE HOUSE BILL NO. 1004,  
HOUSE BILL NO. 1021,  
HOUSE BILL NO. 1180.

## MOTION

At 6:07 p.m., on motion of Senator Vognild, the Senate adjourned until 8:00 a.m., Friday, April 10, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## EIGHTY-NINTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Friday, April 10, 1987

The Senate was called to order at 8:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bender, Gaspard, Hansen, Kiskaddon, Kreidler, Lee, Sellar, Smitherman and Tanner. On motion of Senator Vognild, Senators Bender, Smitherman and Tanner were excused. On motion of Senator Zimmerman, Senator Sellar was excused.

The Sergeant at Arms Color Guard, consisting of Pages Heather Foor and Livia Gilstrap, presented the Colors. Reverend Avery Finger, pastor of the Evangel Temple Church of God of Olympia, offered the prayer.

#### MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

#### MESSAGES FROM THE HOUSE

April 8, 1987

Mr. President:

The House has passed:

SENATE BILL NO. 5080,

ENGROSSED SENATE BILL NO. 5085,

ENGROSSED SENATE BILL NO. 5164,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5301,

SENATE BILL NO. 5348,

SUBSTITUTE SENATE BILL NO. 5371,

SENATE BILL NO. 5410,

SUBSTITUTE SENATE BILL NO. 5466,

SUBSTITUTE SENATE BILL NO. 5495,

SENATE BILL NO. 5668,

SUBSTITUTE SENATE BILL NO. 5679,

SENATE BILL NO. 5956,

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 9, 1987

Mr. President:

The House has passed:

SENATE BILL NO. 5205,

SENATE BILL NO. 5402,

SUBSTITUTE SENATE BILL NO. 5858,

SUBSTITUTE SENATE BILL NO. 5892,

SENATE BILL NO. 6065,

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 9, 1987

Mr. President:

The House has passed:

SENATE BILL NO. 5442,

SENATE BILL NO. 5597,

ENGROSSED SENATE BILL NO. 5740,

SUBSTITUTE SENATE BILL NO. 5761,

ENGROSSED SENATE BILL NO. 5822,

SECOND SUBSTITUTE SENATE BILL NO. 5845,

SUBSTITUTE SENATE BILL NO. 5944,

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

There being no objection, the President advanced the Senate to the sixth order of business.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 391, by Committee on Judiciary (originally sponsored by Representatives Heavey, Padden, Appelwick, Schmidt and Dellwo)

Changing provisions relating to deeds of trust.

The bill was read the second time.

#### MOTION

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 391 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 391.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 391 and the bill passed the Senate by the following vote: Yeas, 40; absent, 5; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Halsan, Hayner, Johnson, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 40.

Absent: Senators Gaspard, Hansen, Kiskaddon, Kreidler, Lee - 5.

Excused: Senators Bender, Sellar, Smitherman, Tanner - 4.

SUBSTITUTE HOUSE BILL NO. 391, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 153, by Committee on Human Services (originally sponsored by Representatives Brøkke, Winsley, Sutherland, H. Sommers, Leonard, Jacobsen, Moyer, Scott, Padden, R. King, Patrick, Lewis, Wang, Sanders, Miller and Brough; by request of Department of Social and Health Services)

Requiring reports of abuse of developmentally disabled persons.

The bill was read the second time.

#### MOTION

On motion of Senator Wojahn, the rules were suspended, Substitute House Bill No. 153 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 153.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 153 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Excused: Senators Bender, Sellar, Smitherman, Tanner - 4.

SUBSTITUTE HOUSE BILL NO. 153, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 506, by Committee on Human Services (originally sponsored by Representatives Cooper, Sprenkle, Moyer, Brooks, Leonard, Brekke, Scott, Miller, Hine, Winsley, K. Wilson, Rayburn, Cantwell, Nutley, Dellwo, Appelwick, Valle, Holm, Pruitt, Spanel, Unsoeld, Fisher, Rasmussen, Grant, Sutherland, Belcher, Jesernig, Wang, Jacobsen, P. King, Brough and Todd)

Creating the children's trust fund.

The bill was read the second time.

## MOTION

On motion of Senator Wojahn, the rules were suspended, Substitute House Bill No. 506 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 506.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 506 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Excused: Senators Bender, Sellar, Smitherman, Tanner - 4.

SUBSTITUTE HOUSE BILL NO. 506, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 170, by Committee on Natural Resources (originally sponsored by Representatives Meyers, Sutherland, S. Wilson, Haugen, Amondson, Cole, Basich, Belcher, Dellwo, McMullen, Appelwick, Fisch, Heavey, Ballard, Locke, R. King, Jesernig, P. King and Hine)

Permitting violation of rules governing the state's natural resources to be infractions.

The bill was read the second time.

## MOTIONS

Senator Owen moved that the following amendment by Senators Owen, Pullen, Vognilid and Warnke be adopted:

On page 7, after line 2, insert the following:

NEW SECTION, Sec. 14. A new section is added to chapter 79.01 RCW to read as follows:

The legislature finds that amateur radio groups, commonly known as ham radio operators, provide important communication services to the general public and to local, state, and federal agencies. By leasing state lands to amateur radio operators, the legislature intends to help operators perform their many valuable public services, including but not limited to, supporting law enforcement personnel, aiding search and rescue efforts, providing an emergency communication network, and helping with disaster relief support. The legislature recognizes the valuable services performed by amateur radio operators and intends to facilitate the continued performance of these services by permitting the lease of state lands at nominal costs for such public services.

NEW SECTION, Sec. 15. A new section is added to chapter 79.01 RCW to read as follows:

The department may lease state lands to licensed amateur radio operators for the purpose of erecting radio repeaters if such repeaters are available at all times to other licensed amateur radio operators to use for emergency and public service communications. The department shall charge an annual fee of twenty-five dollars for use of the site by an amateur radio operator. The department shall develop guidelines, which the department may adopt by rule, for leasing sites on state lands to amateur radio operators providing public services and for providing a preference where possible for such use by amateur radio operators.

NEW SECTION, Sec. 16. A new section is added to chapter 79.01 RCW to read as follows:

Infraction proceedings may be brought against any ham radio lessee who violates, or fails to adhere to, departmental rules or guidelines."

On motion of Senator Bluechel, the following amendment to the amendment was adopted:

On page 2, line 4 of the amendment by Senator Owen, et. al., after "any" strike "ham" and insert "amateur"

The President declared the question before the Senate to be adoption of the amendment by Senators Owen, Pullen, Vognild and Warnke, as amended.

The motion by Senator Owen carried and the amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Owen, the following title amendment was adopted:

On page 1, line 4, after "penalties;" insert "adding new sections to chapter 79.01 RCW."

On motion of Senator Owen, the rules were suspended. Substitute House Bill No. 170, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Zimmerman: "Senator Owen, I was curious. This bill seemed like such a good idea when it was here and we passed it. It certainly has merit. I was curious as to why the House was not willing to approve the Senate Bill or was it timing? What was the problem over there on the other side of the building?"

Senator Owen: "This bill, of course, came over from the House."

Senator Zimmerman: "The original. The one we passed."

Senator Owen: "You're speaking of the ham radio bill?"

Senator Zimmerman: "Yes."

Senator Owen: "No, I didn't hear any reason why they didn't pass that bill. I don't know why they didn't."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 170, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 170, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Hayner - 1.

Excused: Senator Sellar - 1.

SUBSTITUTE HOUSE BILL NO. 170, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President advanced the Senate to the ninth order of business.

#### MOTION FOR RECONSIDERATION

Having served prior notice, Senator Kreidler moved to reconsider the vote by which Substitute House Bill No. 414, as amended by the Senate, failed to pass the Senate April 9, 1987.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Kreidler to reconsider the vote by which Substitute House Bill No. 414, as amended by the Senate, failed to pass the Senate.

The motion by Senator Kreidler carried and the Senate will reconsider Substitute House Bill No. 414, as amended by the Senate.

## MOTION

On motion of Senator Vognild, further consideration of Substitute House Bill No. 414, as amended by the Senate, on reconsideration, was deferred.

## MOTION FOR RECONSIDERATION

Having served prior notice, Senator Newhouse moved to reconsider the vote by which Engrossed Second Substitute House Bill No. 477, as amended by the Senate, failed to pass the Senate April 9, 1987.

The President declared the question before the Senate to be the motion by Senator Newhouse to reconsider the vote by which Engrossed Second Substitute House Bill No. 477, as amended by the Senate, failed to pass the Senate.

The motion by Senator Newhouse carried and the Senate will reconsider Engrossed Second Substitute House Bill No. 477, as amended by the Senate.

## MOTION

On motion of Senator Vognild, further consideration of Engrossed Second Substitute House Bill No. 477, as amended by the Senate, on reconsideration, was deferred.

## MOTION FOR RECONSIDERATION

Having served prior notice, Senator Halsan moved to reconsider the vote by which Substitute House Bill No. 632 failed to pass the Senate April 9, 1987.

The President declared the question before the Senate to be the motion by Senator Halsan to reconsider the vote by which Substitute House Bill No. 632 failed to pass the Senate.

The motion by Senator Kreidler carried and the Senate will reconsider Substitute House Bill No. 632.

## MOTION

On motion of Senator Vognild, further consideration of Substitute House Bill No. 632, on reconsideration, was deferred.

## MOTION

At 8:36 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 10:09 a.m. by President Cherberg.

There being no objection, the President reverted the Senate to the seventh order of business.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 114, deferred on reconsideration, April 9, 1987.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 114, on reconsideration.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 114, on reconsideration, and the bill failed to pass the Senate by the following vote: Yeas, 24; nays, 23; absent, 1; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Moore, Peterson, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 24.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Saling, von Reichbauer, Zimmerman - 23.

Absent: Senator West - 1.

Excused: Senator Sellar - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 114, on reconsideration, having failed to receive the constitutional majority, was declared lost.

There being no objection, the President returned the Senate to the sixth order of business.

## SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1006, by Committee on Ways and Means (originally sponsored by Representatives Day, Lewis, Bristow, Brooks, D. Sommers, Cantwell, Vekich, Lux, Sprenkle, Bumgarner, Locke, Silver, Grimm, Braddock, Taylor, Niemi, Rasmussen, Holm, Brekke, K. Wilson, Dellwo, Winsley, Cole, Ebersole, Crane, Ballard, Doty, Heavey, Allen, Jacobsen, Holland, Scott, Rayburn, Sanders, Jesernig, R. King, Brough, P. King, May, Moyer, Spanel, Wineberry, Schoon and Ferguson)

Changing provisions relating to nursing homes.

The bill was read the second time.

## MOTION

Senator McDermott moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 18, chapter 177, Laws of 1980 as last amended by section 1, chapter 361, Laws of 1985 and RCW 74.46.180 are each amended to read as follows:

(1) The state shall make payment of any underpayments within thirty days after the date the preliminary or final settlement report is submitted to the contractor.

(2) A contractor found to have received either overpayments or erroneous payments under a preliminary or final settlement shall refund such payments to the state within thirty days after the date the preliminary or final settlement report is submitted to the contractor, subject to the provisions of subsections (3), (4), and (7) of this section.

(3) Within the cost centers of nursing services and food, all savings resulting from the respective allowable costs being lower than the respective reimbursement rate paid to the contractor during the report period shall be refunded. In computing a preliminary or final settlement, savings in a cost center may be shifted to cover a deficit in another cost center up to the amount of any savings: PROVIDED, That not more than twenty percent of the rate in a cost center may be shifted into that cost center and no shifting may be made into the property cost center: PROVIDED FURTHER, That there shall be no shifting out of nursing services, and savings in food shall be shifted only to cover deficits in the nursing services cost center.

(4) Within the cost centers of administration and operations and property, the contractor shall retain at least fifty percent, but not more than seventy-five percent, of any savings resulting from the respective audited allowable costs being lower than the respective reimbursement rates paid to the contractor during the report period multiplied by the number of authorized medical care client days in which said rates were in effect, except that no savings may be retained if reported costs in the property cost center and the administration and operations cost center exceed audited allowable costs by ten cents or more per patient day. The secretary, by rule and regulation, shall establish the basis for the specific percentages of savings to the contractors. Such rules and regulations may provide for differences in the percentages allowed for each cost center to individual facilities based on performance measures related to administrative efficiency.

(5) All allowances provided by RCW 74.46.530 shall be retained by the contractor. Any industrial insurance dividend or premium discount under RCW 51.16.035 shall be retained by the contractor to the extent that such dividend or premium discount is attributable to the contractor's private patients.

(6) In the event the contractor fails to make repayment in the time provided in subsection (2) of this section, the department shall either:

(a) Deduct the amount of refund due plus assessment of interest, as determined by the secretary, from payment amounts due the contractor; or

(b) In the instance the contract has been terminated, (i) deduct the amount of refund due plus an assessment of interest, determined by the secretary, from any payments due; or (ii) assess the amount due plus interest, as determined by the secretary, on the amount due.

(7) Where the facility is pursuing timely-filed judicial or administrative remedies in good faith regarding settlement issues, the contractor need not refund nor shall the department withhold from the facility current payment amounts the department claims to be due from the facility but which are specifically disputed by the contractor. If the judicial or administrative remedy sought by the facility is not granted after all appeals are exhausted or mutually terminated, the facility shall make payment of such amounts due plus interest accrued from the date of filing of the appeal, as payable on judgments, within sixty days of the date such decision is made.

Sec. 2. Section 43, chapter 177, Laws of 1980 as amended by section 19, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.430 are each amended to read as follows:

(1) The department, as provided by this chapter, will determine prospective cost-related reimbursement rates for services provided to medical care recipients. Each rate so determined

shall represent the contractor's maximum compensation within each cost center for each patient day for such medical care recipient.

(2) As required, the department may modify such maximum per patient day rates pursuant to the administrative review provisions of RCW 74.46.780.

(3) Until the effective date of RCW 74.46.510 and 74.46.530, the maximum prospective reimbursement rates for the administration and operations and the property cost centers shall be established based upon a minimum facility occupancy level of eighty-five percent.

(4) On and after the effective date of RCW 74.46.510 and 74.46.530, the maximum prospective reimbursement rates for the administration and operations and the property cost centers and the return on investment allowance shall be established based upon a minimum facility occupancy level of eighty-five percent.

(5) All contractors shall be required to adjust and maintain wages for all employees to a minimum hourly wage established by the legislature in the biennial appropriations act, if the legislature appropriates moneys to fund prospectively the portion of the minimum wage attributable to services to medicaid patients. Prospective rate revisions to fund any minimum wage increases shall be made only on the dates authorized in the appropriation act. A portion of this legislative appropriation shall be used to enhance nonadministrative wages and benefits above the moneys necessary to fund the minimum wage specified in this section. The department in considering reimbursement for legislatively authorized wage enhancements will take into consideration facility wage history over the past three cost report periods.

Sec. 3. Section 46, chapter 177, Laws of 1980 as last amended by section 15, chapter 361, Laws of 1985 and RCW 74.46.460 are each amended to read as follows:

(1) Each contractor's reimbursement rates will be determined prospectively at least once each calendar year, to be effective July 1st.

(2) Rates may be adjusted as determined by the department to take into account variations ~~((of more than ten percent))~~ in the distribution of patient classifications or changes in patient characteristics from the prior reporting year, program changes required by the department, or changes in staffing levels at a facility required by the department. Rates shall be adjusted by the amount of legislatively authorized enhancements in accordance with RCW 74.46.430(5) and 74.46.470(2). Rates may also be adjusted to cover costs associated with placing a nursing home in receivership which costs are not covered by the rate of the former contractor, including: Compensation of the receiver, reasonable expenses of receivership and transition of control, and costs incurred by the receiver in carrying out court instructions or rectifying deficiencies found. Rates shall be adjusted for any capitalized additions or replacements made as a condition for licensure or certification. Rates shall be adjusted for capitalized improvements done under section 8 of this 1987 act.

(3) Where the contractor participated in the provisions of prospective cost-related reimbursement in effect prior to July 1, 1983, such contractor's prospective rate effective July 1, 1983, will be determined utilizing the contractor's desk-reviewed allowable costs for calendar year 1982.

(4) All prospective reimbursement rates for 1984 and thereafter shall be determined utilizing the prior year's desk-reviewed cost reports.

Sec. 4. Section 47, chapter 177, Laws of 1980 as amended by section 22, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.470 are each amended to read as follows:

(1) A contractor's reimbursement rates for medical care recipients will be determined utilizing desk-reviewed cost report data within the following cost centers:

~~((1))~~ (a) Nursing services;

~~((2))~~ (b) Food;

~~((3))~~ (c) Administration and operations; and

~~((4))~~ (d) Property.

(2) There shall be an enhancement cost center established to reimburse contractors for specific legislatively authorized enhancements for nonadministrative wages and benefits to ensure that such enhancements are used exclusively for the legislatively authorized purposes. For purposes of settlement, funds appropriated to this cost center shall only be used for expenditures for which the legislative authorization is granted. Such funds may be used only in the following circumstances:

(a) The contractor has increased expenditures for which legislative authorization is granted to at least the highest level paid in any of the last three cost years, plus, beginning July 1, 1987, any percentage inflation adjustment granted each year under RCW 74.46.495; and

(b) All funds shifted from the enhancement cost center are shown to have been expended for legislatively authorized enhancements.

(3) If the contractor does not spend the amount appropriated to this cost center in the legislatively authorized manner, then the amounts not appropriately spent shall be recouped at preliminary or final settlement pursuant to RCW 74.46.160.

(4) For purposes of this section, "nonadministrative wages and benefits" means wages and payroll taxes paid with respect to, and the employer share of the cost of benefits provided to, employees in job classes specified in an appropriation, which may not include administrators, assistant administrators, or administrators in training.

(5) Amounts expended in the enhancement cost center in excess of the minimum wage established under RCW 74.46.430 are subject to all provisions contained in this chapter.

Sec. 5. Section 24, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.481 are each amended to read as follows:

(1) The nursing services cost center shall include all costs related to the direct provision of nursing and related care, including fringe benefits and payroll taxes for the nursing and related care personnel. For rates effective for state fiscal year 1984, the department shall adopt by administrative rule a definition of "related care" which shall incorporate, but not exceed services reimbursable as of June 30, 1983. For rates effective for state fiscal year 1985, the definition of related care shall include ancillary care.

(2) The department shall adopt by administrative rules a method for establishing a nursing services cost center rate consistent with the principles stated in this section.

(3) Utilizing regression or other statistical technique, the department shall determine a reasonable limit on facility nursing staff taking into account facility patient characteristics. For purposes of this section, facility nursing staff refers to registered nurses, licensed practical nurses and nursing assistants employed by the facility or obtained through temporary labor contract arrangements. Effective January 1, 1988, the hours associated with the training of nursing assistants and the supervision of that training for nursing assistants shall not be included in the calculation of facility nursing staff. In selecting a measure of patient characteristics, the department shall take into account:

(a) The correlation between alternative measures and facility nursing staff; and

(b) The cost of collecting information for and computation of a measure.

If regression is used, the limit shall be set at predicted nursing staff plus 1.75 regression standard errors. If another statistical method is utilized, the limit shall be set at a level corresponding to 1.75 standard errors above predicted staffing computed according to a regression procedure.

(4) No facility shall receive reimbursement for nursing staff levels in excess of the limit, except that, if a facility was reimbursed for a nursing staff level in excess of the limit as of June 30, 1983, the facility may choose to continue to receive its June, 1983 nursing services rate plus any adjustments in rates, such as adjustments for economic trends, made available to all facilities. The reasonableness limit established pursuant to this subsection shall remain in effect for the period July 1, 1983 through June 30, 1985. At that time the department may revise the measure of patient characteristics or method used to establish the limit.

(5) The department shall select an index of cost increase relevant to the nursing and related services cost area. In the absence of a more representative index, the department shall use the medical care component index as maintained by the United States bureau of labor statistics.

(6) If a facility's nursing staff level is below the limit specified in subsection (3) of this section, the department shall determine the percentage increase for all items included in the nursing services cost center between the facility's most recent cost reporting period and the next prior cost reporting period.

(a) If the percentage cost increase for a facility is below the increase in the selected index for the same time period, the facility's reimbursement rate in the nursing services cost center shall equal the facility's cost from the most recent cost reporting period plus any allowance for inflation provided by legislative appropriation.

(b) If the percentage cost increase for a facility exceeds the increase in the selected index, the department shall limit the cost used for setting the facility's rate in the nursing services cost area to a level reflecting the increase in the selected index.

(7) If the facility's nursing staff level exceeds the reasonableness limit established in subsection (3) of this section, the department shall determine the increase for all items included in the nursing services cost center between the facility's most recent cost reporting period and the next prior cost reporting period.

(a) If the percentage cost increase for a facility is below the increase in the index selected pursuant to subsection (5) of this section, the facility's reimbursement rate in the nursing cost center shall equal the facility's cost from the most recent cost reporting period adjusted downward to reflect the limit on nursing staff, plus any allowance for inflation provided by legislative appropriation subject to the provisions of subsection (4) of this section.

(b) If the percentage cost increase for a facility exceeds the increase in the selected index, the department shall limit the cost used for setting the facility's rate in the nursing services cost center to a level reflecting the nursing staff limit and the cost increase limit, subject to the provisions of subsection (4) of this section, plus any allowance for inflation provided by legislative appropriation.

(8) The department is authorized to determine on a systematic basis facilities with unmet patient care service needs. The department may increase the nursing services cost center prospective rate for a facility beyond the level determined in accordance with subsection (6) of this section if the facility's actual and reported nursing staffing is one standard error or more below predicted staffing as determined according to the method selected pursuant to subsection (3) of this section and the facility has unmet patient care service needs: PROVIDED, That

prospective rate increases authorized by this subsection shall be funded only from legislative appropriations made for this purpose and the increases shall be conditioned on specified improvements in patient care at such facilities.

(9) The department shall establish a method for identifying patients with exceptional care requirements and a method for establishing or negotiating on a consistent basis rates for such patients.

(10) The department, in consultation with interested parties, shall adopt rules to establish the criteria the department will use in reviewing any requests by a contractor for a prospective rate adjustment to be used to increase the number of nursing staff. These rules shall also specify the time period for submission and review of staffing requests: PROVIDED, That a decision on a staffing request shall not take longer than sixty days from the date the department receives such a complete request. In establishing the criteria, the department may consider, but is not limited to, the following:

(a) Increases in acuity levels of contractors' residents;

(b) Staffing patterns for similar facilities;

(c) Physical plant of contractor; and

(d) Survey, inspection of care, and department consultation results.

Sec. 6. Section 2, chapter 177, Laws of 1980 as last amended by section 16, chapter 361, Laws of 1985 and RCW 74.46.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Accrual method of accounting" means a method of accounting in which revenues are reported in the period when they are earned, regardless of when they are collected, and expenses are reported in the period in which they are incurred, regardless of when they are paid.

(2) "Ancillary care" means those services required by the individual, comprehensive plan of care provided by qualified therapists.

(3) "Appraisal" means the process of estimating the fair market value or reconstructing the historical cost of an asset acquired in a past period as performed by a professionally designated real estate appraiser with no pecuniary interest in the property to be appraised. It includes a systematic, analytic determination and the recording and analyzing of property facts, rights, investments, and values based on a personal inspection and inventory of the property.

(4) "Arm's-length transaction" means a transaction resulting from good-faith bargaining between a buyer and seller who are not related organizations and have adverse positions in the market place. Sales or exchanges of nursing home facilities among two or more parties in which all parties subsequently continue to own one or more of the facilities involved in the transactions shall not be considered as arm's-length transactions for purposes of this chapter. Sale of a nursing home facility which is subsequently leased back to the seller within five years of the date of sale shall not be considered as an arm's-length transaction for purposes of this chapter.

(5) "Assets" means economic resources of the contractor, recognized and measured in conformity with generally accepted accounting principles.

(6) "Bad debts" means amounts considered to be uncollectable from accounts and notes receivable.

(7) "Beds" means the number of set-up beds in the facility, not to exceed the number of licensed beds.

(8) "Beneficial owner" means:

(a) Any person who, directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise has or shares:

(i) Voting power which includes the power to vote, or to direct the voting of such ownership interest; and/or

(ii) Investment power which includes the power to dispose, or to direct the disposition of such ownership interest;

(b) Any person who, directly or indirectly, creates or uses a trust, proxy, power of attorney, pooling arrangement, or any other contract, arrangement, or device with the purpose or effect of divesting himself of beneficial ownership of an ownership interest or preventing the vesting of such beneficial ownership as part of a plan or scheme to evade the reporting requirements of this chapter;

(c) Any person who, subject to subparagraph (b) of this subsection, has the right to acquire beneficial ownership of such ownership interest within sixty days, including but not limited to any right to acquire:

(i) Through the exercise of any option, warrant, or right;

(ii) Through the conversion of an ownership interest;

(iii) Pursuant to the power to revoke a trust, discretionary account, or similar arrangement;

or

(iv) Pursuant to the automatic termination of a trust, discretionary account, or similar arrangement;

except that, any person who acquires an ownership interest or power specified in subparagraphs (i), (ii), or (iii) of this subparagraph (c) with the purpose or effect of changing or influencing the control of the contractor, or in connection with or as a participant in any transaction having such purpose or effect, immediately upon such acquisition shall be deemed to be the beneficial owner of the ownership interest which may be acquired through the exercise or conversion of such ownership interest or power:

(d) Any person who in the ordinary course of business is a pledgee of ownership interest under a written pledge agreement shall not be deemed to be the beneficial owner of such pledged ownership interest until the pledgee has taken all formal steps necessary which are required to declare a default and determines that the power to vote or to direct the vote or to dispose or to direct the disposition of such pledged ownership interest will be exercised; except that:

(i) The pledge agreement is bona fide and was not entered into with the purpose nor with the effect of changing or influencing the control of the contractor, nor in connection with any transaction having such purpose or effect, including persons meeting the conditions set forth in subparagraph (b) of this subsection; and

(ii) The pledge agreement, prior to default, does not grant to the pledgee:

(A) The power to vote or to direct the vote of the pledged ownership interest; or

(B) The power to dispose or direct the disposition of the pledged ownership interest, other than the grant of such power(s) pursuant to a pledge agreement under which credit is extended and in which the pledgee is a broker or dealer.

(9) "Capitalization" means the recording of an expenditure as an asset.

(10) "Contractor" means an entity which contracts with the department to provide services to medical care recipients in a facility and which entity is responsible for operational decisions.

(11) "Department" means the department of social and health services (DSHS) and its employees.

(12) "Depreciation" means the systematic distribution of the cost or other basis of tangible assets, less salvage, over the estimated useful life of the assets.

(13) "Direct care supplies" means medical, pharmaceutical, and other supplies required for the direct nursing and ancillary care of medical care recipients.

(14) "Entity" means an individual, partnership, corporation, or any other association of individuals capable of entering enforceable contracts.

(15) "Equity" means the net book value of all tangible and intangible assets less the recorded value of all liabilities, as recognized and measured in conformity with generally accepted accounting principles.

(16) "Facility" means a nursing home licensed in accordance with chapter 18.51 RCW, or that portion of a hospital licensed in accordance with chapter 70.41 RCW which operates as a nursing home.

(17) "Fair market value" means the replacement cost of an asset less observed physical depreciation on the date for which the market value is being determined.

(18) "Financial statements" means statements prepared and presented in conformity with generally accepted accounting principles including, but not limited to, balance sheet, statement of operations, statement of changes in financial position, and related notes.

(19) "Generally accepted accounting principles" means accounting principles approved by the financial accounting standards board (FASB).

(20) "Generally accepted auditing standards" means auditing standards approved by the American institute of certified public accountants (AICPA).

(21) "Goodwill" means the excess of the price paid for a business over the fair market value of all other identifiable, tangible, and intangible assets acquired.

(22) "Historical cost" means the actual cost incurred in acquiring and preparing an asset for use, including feasibility studies, architect's fees, and engineering studies.

(23) "Imprest fund" means a fund which is regularly replenished in exactly the amount expended from it.

(24) "Joint facility costs" means any costs which represent resources which benefit more than one facility, or one facility and any other entity.

(25) "Lease agreement" means a contract between two parties for the possession and use of real or personal property or assets for a specified period of time in exchange for specified periodic payments. Elimination (due to any cause other than death or divorce) or addition of any party to the contract, expiration, or modification of any lease term in effect on January 1, 1980, or termination of the lease by either party by any means shall constitute a termination of the lease agreement. An extension or renewal of a lease agreement, whether or not pursuant to a renewal provision in the lease agreement, shall be considered a new lease agreement. A strictly formal change in the lease agreement which modifies the method, frequency, or manner in which the lease payments are made, but does not increase the total lease payment obligation of the lessee, shall not be considered modification of a lease term.

(26) "Medical care program" means medical assistance provided under RCW 74.09.500 or authorized state medical care services.

(27) "Medical care recipient" or "recipient" means an individual determined eligible by the department for the services provided in chapter 74.09 RCW.

(28) "Net book value" means the historical cost of an asset less accumulated depreciation.

(29) "Net invested funds" means the net book value of tangible fixed assets employed by a contractor to provide services under the medical care program, including land, buildings, and equipment as recognized and measured in conformity with generally accepted accounting principles, plus an allowance for working capital which shall be five percent of the allowable costs of each contractor for the previous calendar year.

(30) "Operating lease" means a lease under which rental or lease expenses are included in current expenses in accordance with generally accepted accounting principles.

(31) "Owner" means a sole proprietor, general or limited partners, and beneficial interest holders of five percent or more of a corporation's outstanding stock.

(32) "Ownership interest" means all interests beneficially owned by a person, calculated in the aggregate, regardless of the form which such beneficial ownership takes.

(33) "Patient day" or "client day" means a calendar day of care which will include the day of admission and exclude the day of discharge; except that, when admission and discharge occur on the same day, one day of care shall be deemed to exist.

(34) "Professionally designated real estate appraiser" means an individual who is regularly engaged in the business of providing real estate valuation services for a fee, and who is deemed qualified by a nationally recognized real estate appraisal educational organization on the basis of extensive practical appraisal experience, including the writing of real estate valuation reports as well as the passing of written examinations on valuation practice and theory, and who by virtue of membership in such organization is required to subscribe and adhere to certain standards of professional practice as such organization prescribes.

(35) "Qualified therapist" means:

(a) An activities specialist who has specialized education, training, or experience as specified by the department;

(b) An audiologist who is eligible for a certificate of clinical competence in audiology or who has the equivalent education and clinical experience;

(c) A mental health professional as defined by chapter 71.05 RCW;

(d) A mental retardation professional who is either a qualified therapist or a therapist approved by the department who has had specialized training or one year's experience in treating or working with the mentally retarded or developmentally disabled;

(e) A social worker who is a graduate of a school of social work;

(f) A speech pathologist who is eligible for a certificate of clinical competence in speech pathology or who has the equivalent education and clinical experience;

(g) A physical therapist as defined by chapter 18.74 RCW; and

(h) An occupational therapist who is a graduate of a program in occupational therapy, or who has the equivalent of such education or training.

(36) "Questioned costs" means those costs which have been determined in accordance with generally accepted accounting principles but which may constitute disallowed costs or departures from the provisions of this chapter or rules and regulations adopted by the department.

(37) "Records" means those data supporting all financial statements and cost reports including, but not limited to, all general and subsidiary ledgers, books of original entry, and transaction documentation, however such data are maintained.

(38) "Related organization" means an entity which is under common ownership and/or control with, or has control of, or is controlled by, the contractor.

(a) "Common ownership" exists when an entity is the beneficial owner of five percent or more ownership interest in the contractor and any other entity.

(b) "Control" exists where an entity has the power, directly or indirectly, significantly to influence or direct the actions or policies of an organization or institution, whether or not it is legally enforceable and however it is exercisable or exercised.

(39) "Restricted fund" means those funds the principal and/or income of which is limited by agreement with or direction of the donor to a specific purpose.

(40) "Secretary" means the secretary of the department of social and health services.

(41) "Title XIX" or "Medicaid" means the 1965 amendments to the social security act, P.L. 89-07, as amended.

(42) "Physical plant capital improvement" means a capitalized improvement that is limited to an improvement to the building or the related physical plant.

Sec. 7, Section 3, chapter 114, Laws of 1979 as amended by section 6, chapter 284, Laws of 1985 and RCW 18.52A.030 are each amended to read as follows:

(1) Any nursing assistant employed by a nursing home, who has satisfactorily completed a nursing assistant training program under this chapter, shall, upon application, be issued a certificate of completion.

(2) All nursing assistants employed by a nursing home shall be required to show evidence of satisfactory completion of a nursing assistant training program, or that they are enrolled in and are progressing satisfactorily towards completion of a training program under standards

promulgated by the board, which program must be completed within six months of employment. A nursing home may employ a person not currently enrolled if the employer within twenty days enrolls the person in an approved training program: PROVIDED, That a nursing home shall not assign an assistant to provide resident care until the assistant has demonstrated skills necessary to perform assigned duties and responsibilities competently. All persons enrolled in a training program must satisfactorily complete the program within six months from the date of initial employment.

(3) All nursing assistants who, on June 7, 1979, are employed in nursing homes shall be given the opportunity to obtain a certificate of completion by passing a written and/or practical examination developed by the board and conducted by a school or nursing home, or by providing evidence of sufficient practical experience. The board shall adopt rules specifying the amount of practical experience to be required for the issuance of a certificate under this section.

(4) Compliance with this section shall be a condition of licensure of nursing homes under chapter 18.51 RCW. Beginning January 1, 1986, compliance with this section shall be a condition of licensure of hospitals licensed under chapter 70.41 RCW with a wing certified to provide nursing home care under Title XVIII or Title XIX of the social security act. Any health provider of skilled nursing facility care or intermediate care facility care shall meet the requirements of this section.

NEW SECTION, Sec. 8. A new section is added to chapter 74.46 RCW to read as follows:

(1) The department, in consultation with interested parties, shall adopt rules to establish criteria the department will use in reviewing any request by a contractor for a prospective rate adjustment for a physical plant capital improvement. The rules shall also specify the time periods for submission and review of proposed physical plant capital improvements. In establishing the criteria, the department may consider, but is not limited to, the following:

(a) The remaining functional life of the facility and the length of time since the facility's last significant improvement;

(b) The amount and scope of renovation or remodel to the facility and whether the facility will be able to serve better the needs of its residents;

(c) Whether the proposed improvement improves the quality of the living conditions of the residents;

(d) Whether the proposed improvement might eliminate life safety, building code, or construction standard waivers;

(e) The percentage of public-pay residents in the facility.

(2) Rate adjustments under this section may be provided only if funds are appropriated for this purpose.

NEW SECTION, Sec. 9. The legislature finds that the closure of a nursing home can have devastating effects on residents and, under certain circumstances, courts should consider placing nursing homes in receivership. As receivership has long existed as a remedy to preserve assets subject to litigation and to reorganize troubled affairs, the legislature finds that receivership is to be used to correct problems associated with either the disregard of residents' health, safety, or welfare or with the possible closure of the nursing home for any reason.

NEW SECTION, Sec. 10. A petition to establish a receivership shall allege that one or more of the following conditions exist and that the current operator has demonstrated an inability or unwillingness to take actions necessary to correct the conditions alleged:

(1) The facility is operating without a license;

(2) The facility has not given the department prior written notice of its intent to close and has not made arrangements within thirty days before closure for the orderly transfer of its residents: PROVIDED, That if the facility has given the department prior written notice but the department has not acted with all deliberate speed to transfer the facility's residents, this shall bar the filing of a petition under this section;

(3) An emergency exists that specifically demonstrates an immediate and serious threat of harm to the health, security, or welfare of the facility's residents, including, but not limited to, abandonment of the facility by the owner;

(4) A condition exists in the facility in violation of a licensing statute or regulation that specifically demonstrates an immediate and serious threat of harm to the health, safety, or welfare of the residents of the facility;

(5) The facility demonstrates a pattern and practice of violating chapter 18.51 or 74.42 RCW, or other statutes or regulations adopted by the department designed to safeguard the health, security, or welfare of residents such that the facility has demonstrated a repeated inability to maintain minimum patient care standards; or

(6) The facility demonstrates a pattern or practice of violating a condition level as defined by the federal government under the authority of Title XIX of the social security act.

The department may file a petition in the superior court in the county in which the nursing home is located or in the superior court of Thurston county. The current or former operator or licensee and the owner of the nursing home, if different than the operator or licensee, shall be made a party to the action. The court shall grant the petition if it finds, by a preponderance of

the evidence, that one or more of the conditions listed in subsections (1) through (6) of this section exists and, subject to section 11 of this act, that the current operator is unable or unwilling to take actions necessary to correct the conditions.

**NEW SECTION.** Sec. 11. It shall be a defense to the petition to establish a receivership that the conditions alleged do not in fact exist. It shall not be a defense to the petition to allege that the respondent did not possess knowledge of the alleged condition or could not have been reasonably expected to know about the alleged condition. In a petition that alleges that the health, safety, or welfare of the residents of the facility is at issue, it shall not be a defense to the petition that the respondent had not been afforded a reasonable opportunity to correct the alleged condition.

**NEW SECTION.** Sec. 12. A petition for receivership shall include the name of the candidate for receiver. The department shall maintain a list of qualified persons to act as receivers, however, no person may be considered to be qualified to be a receiver who:

- (1) Is the owner, licensee, or administrator of the facility;
- (2) Is affiliated with the facility;
- (3) Has a financial interest in the facility; or
- (4) Has owned or operated a nursing home that has been ordered into receivership.

If a receiver is appointed, he or she may be drawn from the list but need not be, but an appointee shall have experience in providing long-term health care and a history of satisfactory operation of a nursing home. Preference may be granted to persons expressing an interest in permanent operation of the facility.

**NEW SECTION.** Sec. 13. Upon receipt of a petition for receivership, the court shall hear the matter within fourteen days. Temporary relief may be obtained under chapter 7.40 RCW and other applicable laws. In all actions arising under sections 10 through 22 of this act, the posting of a certified copy of the summons and petition in a conspicuous place in the nursing home shall constitute service of those documents upon the respondent.

In considering the petition, the court shall consider the following factors, among others:

- (1) The history of the provider, including any prior history of deficiencies and corrective action taken; and
- (2) Whether the circumstances alleged in the petition occurred for reasons that were beyond the control of the facility's current or former operator, licensee, or owner.

**NEW SECTION.** Sec. 14. Upon agreement of the candidate for receiver to the terms of the receivership and any special instructions of the court, the court may appoint that person as receiver of the nursing home if the court determines it is likely that a permanent operator will be found or conditions will be corrected without undue risk of harm to the patients. Appointment of a receiver may be in lieu of or in addition to temporary removal of some or all of the patients in the interests of their health, security, or welfare. A receiver shall be appointed for a term not to exceed six months, but a term may be extended for good cause shown.

**NEW SECTION.** Sec. 15. The receivership shall terminate:

- (1) At the end of the appointed term;
- (2) When all residents have been transferred and the facility closed;
- (3) When all deficiencies have been eliminated and the facility has been sold or returned to its former owner: PROVIDED, That when a rehabilitated facility is returned to its former owner, the court may impose conditions to assure the continued compliance with chapters 18.51 and 74.42 RCW, and other applicable laws and regulations; or
- (4) Upon possession and control of the nursing home by a licensed replacement operator.

**NEW SECTION.** Sec. 16. The receiver shall render to the court an accounting of acts performed and expenditures made during the receivership. Nothing in this section relieves a court-appointed receiver from the responsibility of making all reports and certifications to the department required by law and regulation relating to the receiver's operation of the nursing home, the care of its residents, and participation in the medicaid program, if any.

**NEW SECTION.** Sec. 17. If a receiver is appointed, the court shall set reasonable compensation for the receiver to be paid from operating revenues of the nursing home. The receiver shall be liable in his or her personal capacity only for negligent acts, intentional acts, or a breach of a fiduciary duty to either the residents of the facility or the current or former licensee or owner of the facility.

The department may revise the nursing home's medicaid reimbursement rate, consistent with reimbursement principles in chapter 74.46 RCW and rules adopted under that chapter, if revision is necessary to cover the receiver's compensation and other reasonable costs associated with the receivership and transition of control. Rate revision may also be granted if necessary to cover start-up costs and costs of repairs, replacements, and additional staff needed for patient health, security, or welfare. The property return on investment components of the medicaid rate shall be established for the receiver consistent with reimbursement principles in chapter 74.46 RCW. The department may also expedite the issuance of necessary licenses, contracts, and certifications, temporary or otherwise, necessary to carry out the purposes of receivership.

**NEW SECTION.** Sec. 18. Upon appointment of a receiver, the current or former licensee or operator and managing agent, if any, shall be divested of possession and control of the nursing home in favor of the receiver who shall have full responsibility and authority to continue operation of the home and the care of the residents. The receiver may perform all acts reasonably necessary to carry out the purposes of receivership, including, but not limited to:

- (1) Protecting the health, security, and welfare of the residents;
- (2) Remedying violations of state and federal law and regulations governing the operation of the home;
- (3) Hiring, directing, managing, and discharging all consultants and employees for just cause; discharging the administrator of the nursing home; recognizing collective bargaining agreements; and settling labor disputes;
- (4) Receiving and expending in a prudent manner all revenues and financial resources of the home; and
- (5) Making all repairs and replacements needed for patient health, security, and welfare: PROVIDED, That expenditures for repairs or replacements in excess of five thousand dollars shall require approval of the court which shall expedite approval or disapproval for such expenditure.

Upon order of the court, a receiver may not be required to honor leases, mortgages, secured transactions, or contracts if the rent, price, or rate of interest was not a reasonable rent, price, or rate of interest at the time the contract was entered into or if a material provision of the contract is unreasonable.

**NEW SECTION.** Sec. 19. Upon order of the court, the department shall provide emergency or transitional financial assistance to a receiver not to exceed thirty thousand dollars. The receiver shall file with the court an accounting for any money expended. Any emergency or transitional expenditure shall be recovered from revenue generated by the facility which revenue is not obligated to the operation of the facility. If such funds are not fully recovered at the termination of the receivership, an action to recover such sums may be filed by the department against the former licensee or owner. In lieu of filing an action, the department may file a lien on the facility or on the proceeds of the sale of the facility. Such a lien shall take priority over all other liens except for liens for wages to employees. The owner of the facility shall be entitled to the proceeds of the facility or the sale of the facility to the extent that these exceed the liabilities of the facility, including liabilities to the state, receiver, employees, and contractors, at the termination of the receivership.

Revenues relating to services provided by the current or former licensee, operator, or owner and available operating funds belonging to such licensee, operator, or owner shall be under the control of the receiver. The receiver shall consult the court in cases of extraordinary or questionable debts incurred prior to his or her appointment and shall not have the power to close the home or sell any assets of the home without prior court approval.

Priority shall be given to debts and expenditures directly related to providing care and meeting the needs of patients. Any payment made to the receiver shall discharge the obligation of the payor to the owner of the facility.

**NEW SECTION.** Sec. 20. If the nursing home is providing care to recipients of state medical assistance, the receiver shall become the medicaid contractor for the duration of the receivership period and shall assume all reporting and other responsibilities required by applicable laws and regulations. The receiver shall be responsible for the refund of medicaid rate payments in excess of costs during the period of the receivership.

**NEW SECTION.** Sec. 21. No seizure, foreclosure, or interference with nursing home revenues, supplies, real property, improvements, or equipment may be allowed for the duration of the receivership without prior court approval.

**NEW SECTION.** Sec. 22. At least sixty days before the effective date of any change of ownership, change of operating entity, or change of management of a nursing home, the current operating entity shall notify separately and in writing, each resident of the home or the resident's guardian of the proposed change. The notice shall include the identity of the proposed new owner, operating entity, or managing entity and the names, addresses, and telephone numbers of departmental personnel to whom comments regarding the change may be directed. If the proposed new owner, operating entity, or managing entity is a corporation, the notice shall include the names of all officers and the registered agent in the state of Washington. If the proposed new owner, operating entity, or managing entity is a partnership, the notice shall include the names of all general partners. This section shall apply regardless of whether the current operating entity holds a medicaid provider contract with the department and whether the operating entity intends to enter such a contract.

Sec. 23. Section 7, chapter 117, Laws of 1951 as last amended by section 18, chapter 2, Laws of 1981 1st ex. sess. and RCW 18.51.060 are each amended to read as follows:

(1) The department is authorized to deny, suspend, or revoke a license or, in lieu thereof or in addition thereto, assess monetary penalties of a civil nature not to exceed ~~((one))~~ three thousand dollars per violation in any case in which it finds that the applicant, or licensee, or any partner, officer, director, owner of five percent or more of the assets of the nursing home, or managing employee:

~~((1)) (a) Failed or refused to comply with the requirements of this chapter or of chapter 74.42 RCW, or the standards, rules and regulations established ((hereunder)) under them; or~~

~~((2) Was the holder of a license issued pursuant to this chapter, which was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled)) (b) Operated a nursing home without a license or under a revoked or suspended license; or~~

~~((3)) (c) Has knowingly or with reason to know made a false statement of a material fact in his application for license or any data attached thereto, or in any matter under investigation by the department; or~~

~~((4)) (d) Refused to allow representatives or agents of the department to inspect all books, records, and files required to be maintained or any portion of the premises of the nursing home; or~~

~~((5)) (e) Wilfully prevented, interfered with, or attempted to impede in any way the work of any duly authorized representative of the department and the lawful enforcement of any provision of this chapter or of chapter 74.42 RCW; or~~

~~((6)) (f) Wilfully prevented or interfered with any representative of the department in the preservation of evidence of any violation of any of the provisions of this chapter or of chapter 74.42 RCW or the standards, rules, and regulations ((promulgated hereunder)) adopted under them; or~~

~~((7)) (g) Failed to report patient abuse or neglect in violation of chapter 70.124 RCW; or~~

~~((8)) (h) Fails to pay any civil monetary penalty assessed by the department pursuant to this chapter within ten days after such assessment becomes final: PROVIDED, That in no event shall the department assess a civil monetary penalty authorized pursuant to this section or post the said premises as provided in RCW 18.51.260 or include in the report required pursuant to RCW 18.51.270 during any period in which it has not reasonably implemented and funded its cost-related reimbursement system for public patients.~~

(2) A contractor subject to civil penalty under subsection (1)(a) of this section shall have a reasonable opportunity, not to exceed sixty days from notification of the violation, to correct the violation before being assessed a civil monetary penalty under this section. However, if the department determines that the violation resulted in serious harm to or death of a patient, constitutes a serious threat to patient life, health, or safety, or substantially limits the nursing home's capacity to render adequate care, the violator shall be so notified and a penalty may be assessed without prior opportunity to correct. Each day the violation continues may constitute a separate violation subject to assessment of a separate penalty.

The correction of a standard or condition level deficiency, as defined by the authority of Title XVIII of the social security act and 42 C.F.R. 405-110 subpart K, shall be maintained for a period of at least one year. Failure to maintain such correction shall constitute a separate violation for each day the deficiency is not corrected and may be subject to the assessment of a separate penalty not to exceed three thousand dollars without a prior opportunity to correct the violation.

(3) A person subject to civil penalty under subsection (1)(b) through (h) of this section shall not have a prior opportunity to correct the violation before being assessed a civil monetary penalty under this section.

Following the notification of a violation of subsection (1)(b) through (h) of this section, each day upon which the same or a substantially similar action occurs shall constitute a separate violation subject to the assessment of a separate penalty.

(4) Any civil penalty assessed under this section or chapter 74.46 RCW shall bear a reasonable rate of interest from the date of notification of the violation. The department may administer civil fines under this section or chapter 74.46 RCW by:

(a) Requiring payment in full; or

(b) Permitting installment payments; or

(c) Requiring that the full amount or a portion of the assessed civil penalty be expended to ameliorate the violation or to improve nonadministrative services within the facility; or

(d) Defer the penalty or a portion thereof until one year after corrective action has been completed to assure maintenance of such action: PROVIDED, That the penalty may be reduced all or in part at the end of such year: PROVIDED FURTHER, That the penalty may be trebled if such corrective action is not maintained for one year.

(5) Any civil penalty assessed under this section or chapter 74.46 RCW shall be a nonreimbursable item under chapter 74.46 RCW.

Sec. 24. Section 63, chapter 211, Laws of 1979 ex. sess. as last amended by section 2, chapter 236, Laws of 1983 and RCW 18.51.091 are each amended to read as follows:

The department shall make or cause to be made at least one inspection of each nursing home prior to license renewal and shall inspect community-based services as part of the licensing renewal survey. The inspection shall be made without providing advance notice of it. Every inspection may include an inspection of every part of the premises and an examination of all records, methods of administration, the general and special dietary and the stores and methods of supply. Those nursing homes that provide community-based care shall establish and maintain separate and distinct accounting and other essential records for the purpose of

appropriately allocating costs of the providing of such care: PROVIDED, That such costs shall not be considered allowable costs for reimbursement purposes under chapter 74.46 RCW. Following such inspection or inspections, written notice of any violation of this law or the rules and regulations promulgated hereunder, shall be given the applicant or licensee and the department. The notice shall describe the reasons for the facility's noncompliance. ~~((The notice shall inform the facility that it must comply with a plan of correction within a specified time, not to exceed sixty days from the date the plan of correction is approved by the department. The penalties in RCW 18.51.060 may be imposed if, after the specified period, the department determines that the facility has not complied. In life-threatening situations or situations which substantially limit the provider's capacity to render adequate care, the department may require immediate correction or proceed immediately under RCW 18.51.060.))~~ The department may prescribe by regulations that any licensee or applicant desiring to make specified types of alterations or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition or new construction, submit its plans and specifications therefor to the department for preliminary inspection and approval or recommendations with respect to compliance with the regulations and standards herein authorized.

Sec. 25. Section 7, chapter 99, Laws of 1975 1st ex. sess. and RCW 18.51.220 are each amended to read as follows:

(1) No licensee shall discriminate or retaliate in any manner against a patient or employee in its nursing home on the basis or for the reason that such patient or employee or any other person has initiated or participated in any proceeding specified in this chapter. A licensee who violates this section is subject to a civil penalty of not more than ~~((five hundred))~~ three thousand dollars.

(2) Any attempt to expel a patient from a nursing home, or any type of discriminatory treatment of a patient by whom, or upon whose behalf, a complaint has been submitted to the department or any proceeding instituted under or related to this chapter within one year of the filing of the complaint or the institution of such action, shall raise a rebuttable presumption that such action was taken by the licensee in retaliation for the filing of the complaint.

Sec. 26. Section 13, chapter 99, Laws of 1975 1st ex. sess. and RCW 18.51.260 are each amended to read as follows:

Each citation for a violation specified in ~~((subsections (1) through (7) of))~~ RCW 18.51.060 which is issued pursuant to this section and which has become final, or a copy or copies thereof, shall be prominently posted, as prescribed in regulations issued by the director, until the violation is corrected to the satisfaction of the department up to a maximum of one hundred twenty days. The citation or copy shall be posted in a place or places in plain view of the patients in the nursing home, persons visiting those patients, and persons who inquire about placement in the facility.

Sec. 27. Section 58, chapter 211, Laws of 1979 ex. sess. as amended by section 15, chapter 184, Laws of 1980 and RCW 74.42.580 are each amended to read as follows:

The department may deny, suspend, or revoke a license or provisional license or, in lieu thereof or in addition thereto, assess monetary penalties of a civil nature ~~((pursuant to the provisions of chapter 34.04 RCW not to exceed one thousand dollars for such violations when the department finds that the licensee, or any partner, officer, director, owner of five percent or more of the assets of the facility, or managing employee:~~

(1) Failed or refused to comply with the requirements of RCW 74.42.010 through 74.42.570 or the standards and rules established by the department under RCW 74.42.010 through 74.42.570;

(2) Was the holder of a license issued under chapter 18.51 RCW, which was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled;

(3) Has knowingly or with reason to know made a false statement of a material fact in any records required under RCW 74.42.010 through 74.42.570;

(4) Refused to allow representatives or agents of the department to inspect all books, records, and files required to be maintained under RCW 74.42.010 through 74.42.570 or any portion of the premises of the facility;

(5) Willfully prevented, interfered with, or attempted to impede in any way the work of any authorized representative of the department and the lawful enforcement of any provision of RCW 74.42.010 through 74.42.570; or

(6) Willfully prevented or interfered with any representative of the department in the preservation of evidence of any violation of any of the provisions of RCW 74.42.010 through 74.42.570 or the standards and rules adopted pursuant to RCW 74.42.010 through 74.42.570.

The department shall adopt rules to implement and administer this section not later than January 15, 1981)) as provided in RCW 18.51.060 for violations of requirements of this chapter. Chapter 34.04 RCW shall apply to any such actions.

Sec. 28. Section 60, chapter 211, Laws of 1979 ex. sess. as last amended by section 3, chapter 120, Laws of 1982 and RCW 74.42.600 are each amended to read as follows:

(1) In addition to the inspection required by chapter 18.51 RCW, the department shall inspect the facility for compliance with resident rights and direct care standards of this chapter.

The department may inspect any and all other provisions randomly, by exception profiles, or during complaint investigations.

(2) If the facility has not complied with ~~((any of the standards in RCW 74.42.010 through 74.42.570))~~ all the requirements of this chapter, the department shall notify the facility in writing that the facility is in noncompliance and describe the reasons for the facility's noncompliance and the department may impose penalties in accordance with RCW 18.51.060. ~~((The notice shall inform the facility that, except for life-threatening situations or situations which substantially limit the provider's capacity to render adequate care which may be for a shorter period of time, the facility shall comply within a specified time, not to exceed sixty days from the date the plan of correction is approved by the department. The penalties in RCW 74.42.580 may be imposed if, upon inspection after the specified period, the department determines that the facility has not complied.))~~

Sec. 29. Section 11, chapter 161, Laws of 1979 ex. sess. as last amended by section 22, chapter 288, Laws of 1984 and RCW 70.38.115 are each amended to read as follows:

(1) Certificates of need shall be issued, denied, suspended, or revoked by the designee of the secretary of the department in accord with the provisions of this chapter and rules of the department which establish review procedures and criteria for the certificate of need program.

(2) Criteria for the review of certificate of need applications, except as provided in subsection (3) of this section for health maintenance organizations, shall include but not be limited to consideration of the following:

(a) The relationship of the health services being reviewed to the applicable health plans;  
 (b) The need that the population served or to be served by such services has for such services;

(c) The availability of less costly or more effective alternative methods of providing such services;

(d) The financial feasibility and the probable impact of the proposal on the cost of and charges for providing health services in the community to be served, including findings and recommendations of the Washington state hospital commission in the case of applications submitted by hospitals. An application by a hospital shall be denied if the state hospital commission does not recommend approval, unless the secretary provides the commission with a written statement setting forth the reason or reasons, and citing the applicable subsection or subsections of this section, for approving an application that the commission has determined to be not feasible;

(e) In the case of health services to be provided, (i) the availability of alternative uses of project resources for the provision of other health services, (ii) the extent to which such proposed services will be accessible to all residents of the area to be served, and (iii) the need for and the availability in the community of services and facilities for osteopathic and allopathic physicians and their patients. The department shall consider the application in terms of its impact on existing and proposed institutional training programs for doctors of osteopathy and medicine at the student, internship, and residency training levels;

(f) In the case of a construction project, the costs and methods of the proposed construction, including the cost and methods of energy provision, and the probable impact of the construction project reviewed (i) on the cost of providing health services by the person proposing such construction project and (ii) on the cost and charges to the public of providing health services by other persons;

(g) The special needs and circumstances of osteopathic hospitals, nonallopathic services and children's hospitals;

(h) Improvements or innovations in the financing and delivery of health services which foster cost containment and serve to promote quality assurance and cost-effectiveness;

(i) In the case of health services proposed to be provided, the efficiency and appropriateness of the use of existing services and facilities similar to those proposed;

(j) In the case of existing services or facilities, the quality of care provided by such services or facilities in the past; and

(k) In the case of hospital certificate of need applications, whether the hospital meets or exceeds the regional average level of charity care, as determined by the hospital commission.

(3) A certificate of need application of a health maintenance organization or a health care facility which is controlled, directly or indirectly, by a health maintenance organization, shall be approved by the department if the department finds:

(a) Approval of such application is required to meet the needs of the members of the health maintenance organization and of the new members which such organization can reasonably be expected to enroll; and

(b) The health maintenance organization is unable to provide, through services or facilities which can reasonably be expected to be available to the organization, its institutional health services in a reasonable and cost-effective manner which is consistent with the basic method of operation of the organization and which makes such services available on a long-term basis through physicians and other health professionals associated with it.

A health care facility (or any part thereof) or medical equipment with respect to which a certificate of need was issued under this subsection may not be sold or leased and a controlling interest in such facility or equipment or in a lease of such facility or equipment may not be acquired unless the department issues a certificate of need approving the sale, acquisition, or lease.

(4) The decision of the department on a certificate of need application shall be consistent with the state health plan in effect, except in emergency circumstances which pose a threat to the public health. The department in making its final decision may issue a conditional certificate of need if it finds that the project is justified only under specific circumstances. The conditions shall directly relate to the project being reviewed. The conditions may be released if it can be substantiated that the conditions are no longer valid and the release of such conditions would be consistent with the purposes of this chapter.

(5) The decisions of the department on nursing home certificate of need applications, including applications for use of space within hospitals and other health care facilities as nursing homes, shall be consistent with state-wide and area need for nursing home beds, to be determined biennially by the legislature and the department in the following manner:

(a) By September 30 of each even-numbered year, the state health coordinating council shall report to the legislature on the total need for nursing home beds in the state as of December 30 of the third year following;

(b) After considering the recommendation of the state health coordinating council pursuant to (a) of this subsection, the legislature shall, during its session in each odd-numbered year, in the state operating and appropriations act, determine the total need for nursing home beds in the state as of December 30 of the second year following: PROVIDED, That if the legislature does not make the determination the recommendation of the state health coordinating council shall have the same effect as a legislative determination;

(c) By no later than December 30 of each odd-numbered year, the department shall allocate the total need for nursing home beds, as determined under (b) of this subsection, among planning areas, to be specified in the state health plan, in keeping with a nursing home bed allocation method to be specified in the state health plan;

(d) Decisions of the department on nursing home certificate of need applications including applications for use of space within hospitals and other health care facilities as nursing homes, shall be consistent with the area bed allocations developed by the department pursuant to (c) and (e) of this subsection;

(e) The department may at any time reallocate beds among planning areas, in keeping with the bed allocation method to be specified in the state health plan, provided that such reallocations do not have the effect of permitting approval of nursing care bed certificate of need applications in excess of the state-wide need for nursing care beds as last determined under (b) of this subsection.

(6) Criteria adopted for review in accordance with subsection (2) of this section may vary according to the purpose for which the particular review is being conducted or the type of health service reviewed.

~~((6))~~ (7) The department shall specify information to be required for certificate of need applications. Within fifteen days of receipt of the application, the department shall request additional information considered necessary to the application or start the review process. Applicants may decline to submit requested information through written notice to the department, in which case review starts on the date of receipt of the notice. Applications may be denied or limited because of failure to submit required and necessary information.

~~((7))~~ (8) Concurrent review is for the purpose of comparative analysis and evaluation of competing or similar projects in order to determine which of the projects may best meet identified needs. Categories of projects subject to concurrent review include at least new health care facilities, new services, and expansion of existing health care facilities. The department shall specify time periods for the submission of applications for certificates of need subject to concurrent review, which shall not exceed ninety days. Review of concurrent applications shall start fifteen days after the conclusion of the time period for submission of applications subject to concurrent review. Concurrent review periods shall be limited to one hundred fifty days, except as provided for in rules adopted by the department authorizing and limiting amendment during the course of the review, or for an unresolved pivotal issue declared by the department.

~~((8))~~ (9) Review periods for certificate of need applications other than those subject to concurrent review shall be limited to ninety days. Review periods may be extended up to thirty days if needed by a review agency, and for unresolved pivotal issues the department may extend up to an additional thirty days. A review may be extended in any case if the applicant agrees to the extension.

~~((9))~~ (10) The department or a designated regional health council shall conduct a public hearing on a certificate of need application if requested unless the review is expedited or subject to emergency review. The department by rule shall specify the period of time within which a public hearing must be requested and requirements related to public notice of the hearing, procedures, recordkeeping and related matters.

~~((+0))~~ (11) Any applicant denied a certificate of need or whose certificate of need has been suspended or revoked shall be afforded an opportunity for administrative review in accordance with chapter 34.04 RCW and a hearing shall be held within one hundred twenty days of a request therefor. An administrative law judge shall review the decision of the secretary's designee and render a proposed decision for consideration by the secretary in accordance with chapter 34.12 RCW or remand the matter to the secretary's designee for further consideration. The secretary's final decision is subject to review by the superior court as provided in chapter 34.04 RCW.

~~((+1))~~ (12) The department may establish procedures and criteria for reconsideration of decisions.

~~((+2))~~ (13) An amended certificate of need shall be required for the following modifications of an approved project:

- (a) A new service;
- (b) An expansion of a service beyond that originally approve;
- (c) An increase in bed capacity;
- (d) A significant reduction in the scope of a project without a commensurate reduction in the cost of the project, or a cost increase (as represented in bids on a construction project or final cost estimates acceptable to the person to whom the certificate of need was issued) if the total of such increases exceeds twelve percent or fifty thousand dollars, whichever is greater, over the maximum capital expenditure approved. The review of reductions or cost increases shall be restricted to the continued conformance of the project with the review criteria pertaining to financial feasibility and cost containment.

~~((+3))~~ (14) An application for a certificate of need for a capital expenditure which is determined by the department to be required to eliminate or prevent imminent safety hazards or correct violations of applicable licensure and accreditation standards shall be approved.

Sec. 30. Section 3, chapter 284, Laws of 1985 and RCW 74.42.055 are each amended to read as follows:

(1) The purpose of this section is to prohibit discrimination against medicaid recipients by nursing homes which have contracted with the department to provide skilled or intermediate nursing care services to medicaid recipients.

(2) It shall be unlawful for any nursing home which has a medicaid contract with the department:

(a) To require, as a condition of admission, assurance from the patient or any other person that the patient is not eligible for or will not apply for medicaid;

(b) To deny or delay admission or readmission of a person to a nursing home because of his or her status as a medicaid recipient;

(c) To transfer a patient, except from a private room to another room within the nursing home, because of his or her status as a medicaid recipient;

(d) To transfer a patient to another nursing home because of his or her status as a medicaid recipient;

(e) To discharge a patient from a nursing home because of his or her status as a medicaid recipient; or

(f) To charge any amounts in excess of the medicaid rate from the date of eligibility, except for any supplementation permitted by the department pursuant to RCW 18.51.070.

(3) Any nursing home which has a medicaid contract with the department shall maintain one list of names of persons seeking admission to the facility, which is ordered by the date of request for admission. This information shall be retained for one year from the month admission was requested.

(4) The department may assess monetary penalties of a civil nature, not to exceed ~~((one))~~ three thousand dollars for each violation of this section.

(5) Because it is a matter of great public importance to protect senior citizens who need medicaid services from discriminatory treatment in obtaining long-term health care, any violation of this section shall be construed for purposes of the application of the consumer protection act, chapter 19.86 RCW, to constitute an unfair or deceptive act or practice or unfair method of competition in the conduct of trade or commerce.

(6) It is not an act of discrimination under this chapter to refuse to admit a patient if admitting that patient would prevent the needs of the other patients residing in that facility from being met at that facility.

NEW SECTION. Sec. 31. The department shall report by December 31, 1987, to the appropriate standing committee of the legislature and the nursing home advisory council on the circumstances and amount of fines imposed under the authority granted in chapter 18.51 RCW.

NEW SECTION. Sec. 32. (1) The house committee on health care, with input from affected groups, shall collect and analyze information regarding levels of staffing for licensed and unlicensed personnel on a per shift basis and levels of staff as related to levels of acuity in nursing homes in Washington and compare their findings to staffing levels and ratios as existing and as required in other states. The committee shall review the existing requirements for education and training of nursing assistants in light of severe problems in recruitment. The committee recommendations shall be made to the legislature prior to the 1988 legislative session.

(2) This section shall expire January 1, 1989.

NEW SECTION. Sec. 33. Sections 10 through 22 of this act are each added to chapter 18.51 RCW."

Debate ensued.

The President declared the question before the Senate to be adoption of the Committee on Ways and Means amendment.

The motion by Senator McDermott carried and the Committee on Ways and Means amendment was adopted.

#### MOTIONS

On motion of Senator McDermott, the following title amendment was adopted:

On page 1, line 1 of the title, after "homes;" strike the remainder of the title and insert "amending RCW 74.46.180, 74.46.430, 74.46.460, 74.46.470, 74.46.481, 74.46.020, 18.52A.030, 18.51.060, 18.51.091, 18.51.220, 18.51.260, 74.42.580, 74.42.600, 70.38.115, and 74.42.055; adding new sections to chapter 18.51 RCW; adding a new section to chapter 74.46 RCW; creating new sections; and prescribing penalties."

On motion of Senator McDermott, the rules were suspended, Engrossed Second Substitute House Bill No. 1006, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute House Bill No. 1006, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute House Bill No. 1006, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Owen, West - 2.

Excused: Senator Sellar - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1006, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President returned the Senate to the fourth order of business.

#### MESSAGE FROM THE HOUSE

April 10, 1987

Mr. President:

The House has passed REENGROSSED SENATE BILL NO. 5955, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 5955.

There being no objection, the President advanced the Senate to the sixth order of business.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1065, by Committee on Ways and Means/Appropriations (originally sponsored by Representatives Locke, Madsen, Ballard, Dellwo, McMullen, Silver, Braddock, Nealey, Armstrong, B. Williams, H. Sommers, McLean, Peery, Belcher, Hine, Grant, Walk, Day, Patrick, Niemi, Holland, Miller, May, Krömen, R. King, Fuhrman, Betrozoff and Jesernig)

Providing for the establishment of an automatic fingerprint identification system.

The bill was read the second time.

## MOTION

Senator Talmadge moved that the following Committee on Ways and Means amendment not be adopted:

On page 10, line 25, after "Sec. 10.," strike all the material through and including "The" on page 11, line 3, and insert: "If funds are appropriated in the 1987-1989 biennial budget act to establish the automatic fingerprint identification system, the"

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Talmadge that the Committee on Ways and Means amendment on page 10, line 25, not be adopted.

The motion by Senator Talmadge carried and the Committee on Ways and Means amendment was not adopted.

## MOTION

Senator Talmadge moved that the following amendment by Senators Talmadge and Pullen be adopted:

On page 4, after line 4, strike the material on lines 5 through 9, including the period.

## POINT OF INQUIRY

Senator Lee: "Senator Talmadge, on this particular amendment, would those licensing agencies--child care agencies--where they are supposed to check right now and they're required finger printing in their licensing, as well as some of the others that require it, would they still be able to check with the file or would this only be under criminal investigation?"

Senator Talmadge: "It would only be criminal investigations."

Senator Lee: "So, when someone was applying to have a child care home or license, they could not check with the file with the finger prints they are required to have for child care workers?"

Senator Talmadge: "Number one, I am not sure they are required to have finger prints for child care workers. Number two, it's only a question of what you maintain in the data base for purposes of criminal investigation. The theory behind the amendment, as you would keep in that system any arrest material, any conviction material for suspect individuals, but not necessarily anything from a license applicant such as, for example, say a real estate broker. Senator McCaslin has noted a couple times that real estate broker's have to submit finger prints with their applications for a real estate brokers status."

Senator Lee: "I understand and I support the amendment, not to necessarily with your data problem. What I was interested in was, if we are requiring finger prints for certain kinds of licensing and if they can't then check them with the data file that exists, people with criminal records and so on, I don't know what good it does us to take finger prints in the first place?"

The President declared the question before the Senate to be adoption of the amendment by Senators Talmadge and Pullen.

The motion by Senator Talmadge carried and the amendment was adopted.

## MOTION

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 1065, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1065, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1065, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsam, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Tanner - 1.

Excused: Senator Sellar - 1.

SUBSTITUTE HOUSE BILL NO. 1065, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Bottiger, the Senate commenced consideration of Engrossed Second Substitute House Bill No. 477, as amended by the Senate, deferred on reconsideration, earlier today.

There being no objection, the President advanced the Senate to the seventh order of business.

#### MOTION

On motion of Senator McDermott, the rules were suspended and Engrossed Second Substitute House Bill No. 477, as amended by the Senate, was returned to second reading and read the second time.

#### MOTION

On motion of Senator Bottiger, further consideration of Engrossed Substitute House Bill No. 477, as amended by the Senate, on reconsideration, was deferred.

#### MOTION

At 11:05 a.m., on motion of Senator Bottiger, the Senate recessed until 11:15 a.m.

#### SECOND MORNING SESSION

The Senate was called to order at 11:40 a.m. by President Cherberg.

There being no objection, the President returned the Senate to the sixth order of business.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 590, by Representatives Doty, Haugen, McLean, Cooper, Nealey, Brough, Rayburn, Kremen, Brooks, Betrozoff, Lewis, C. Smith, Winsley and May

Establishing immunity from civil liability for elected and appointed local government officials.

The bill was read the second time.

#### MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. A new section is added to chapter 68.08 RCW to read as follows:

A county coroner or county medical examiner or persons acting in that capacity shall be immune from civil liability for determining the cause and manner of death. The accuracy of the determinations is subject to judicial review."

On motion of Senator Talmadge, the following title amendment was adopted:

On page 1, beginning on line 2 of the title, after "officials;" strike the remainder of the title and insert "and adding a new section to chapter 68.08 RCW."

## MOTION

On motion of Senator Bender, Senator McDermott was excused.

## MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed House Bill No. 590, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 590, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 590, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senator Pullen - 1.

Absent: Senator von Reichbauer - 1.

Excused: Senators McDermott, Sellar - 2.

ENGROSSED HOUSE BILL NO. 590, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED HOUSE BILL NO. 713, by Representatives Winsley, Lux, Zellinsky and Chandler

Revising provisions on debt-related securities.

The bill was read the second time.

## MOTIONS

On motion of Senator Moore, the following Committee on Financial Institutions amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 6, chapter 171, Laws of 1973 1st ex. sess. as amended by section 1, chapter 140, Laws of 1979 and RCW 21.20.705 are each amended to read as follows:

When used in this chapter, unless the context otherwise requires(:):

(1) "Debenture company" means an issuer of any note, debenture, or other debt obligation for money (~~used or to be used as capital~~) to be used as operating funds of the issuer, which is offered or sold in this state (~~and is required to be registered under the provisions of this chapter~~); and which issuer is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, (~~leasing~~) or trading in: (a) Notes, or other debt obligations, whether or not secured by real (~~or chattel mortgages, deeds of trust, land, and~~) or personal property (~~contracts, or security agreements and financing statements under the uniform commercial code~~); (b) vendors' interests in real estate contracts; (c) real or personal property to be leased to third parties; or (d) real or personal property. The term "debenture company" does not include an issuer by reason of any of its securities which are exempt from registration under RCW 21.20.310 or offered or sold in transactions exempt from registration under RCW 21.20.320 (1) or (8); and

(2) "Acquiring party" means the person acquiring control of a debenture company through the purchase of stock.

Sec. 2. Section 8, chapter 171, Laws of 1973 1st ex. sess. and RCW 21.20.715 are each amended to read as follows:

Any debenture company offering debt securities to the public shall provide that at least fifty percent of the amount of those securities sold (~~after July 1, 1973, shall~~) have maturity dates of two years or more.

NEW SECTION, Sec. 3. (1) For purposes of the provisions of this chapter relating to debenture companies a person shall be deemed a controlling person if:

(a) Such person directly or indirectly, or acting through one or more other persons owns, controls, or has power to vote twenty-five percent or more of any class of voting securities of a debenture company;

(b) Such person controls in any manner the election of a majority of the directors or trustees of a debenture company; or

(c) The director determines, after notice and opportunity for hearing, that such person, directly or indirectly, exercises a controlling influence over the management or policies of a debenture company.

(2) The director may except, by order, for good cause shown, any person from subsection (1) of this section if the director finds the exception to be in the public interest and that the exception does not threaten the protection of investors.

Sec. 4. Section 9, chapter 171, Laws of 1973 1st ex. sess. as last amended by section 41, chapter 68, Laws of 1979 ex. sess. and RCW 21.20.720 are each amended to read as follows:

(1) A director ~~((or))~~, officer, or controlling person of a debenture company shall not:

(a) Have any interest, direct or indirect, in the gains or profits of the debenture company, except to receive dividends upon the amounts contributed by him or her, the same as any other ~~((depositor))~~ investor or shareholder and under the same regulations and conditions: PROVIDED, That nothing in this subsection shall be construed to prohibit salaries as may be approved by the debenture company's board of directors;

(b) Become a member of the board of directors or a controlling shareholder of another debenture company or a bank, trust company, or national banking association, of which board enough other directors or officers of the debenture company are members so as to constitute with him or her a majority of the board of directors.

(2) ~~((Neither))~~ A director ~~((nor))~~, an officer, or controlling person shall not:

(a) For himself or herself or as agent or partner of another, directly or indirectly use any of the funds held by the debenture company, except to make such current and necessary payments as are authorized by the board of directors;

(b) Receive directly or indirectly and retain for his or her own use any commission on or benefit from any loan made by the debenture company, or any pay or emolument for services rendered to any borrower from the debenture company in connection with such loan;

(c) Become an indorser, surety, or guarantor, or in any manner an obligor, for any loan made from the debenture company and except when approval has been given by the director of licensing or the director's administrator of securities upon recommendation by the company's board of directors.

(d) For himself or herself or as agent or partner of another, directly or indirectly borrow any of the funds held by the debenture company, or become the owner of real or personal property upon which the debenture company holds a mortgage, deed of trust, or property contract. A loan to or a purchase by a corporation in which he or she is a stockholder to the amount of fifteen percent of the total outstanding stock, or in which he or she and other directors ~~((or))~~, officers, or controlling persons of the debenture company hold stock to the amount of twenty-five percent of the total outstanding stock, shall be deemed a loan to or a purchase by such director or officer within the meaning of this section, except when the loan to or purchase by such corporation occurred without his or her knowledge or against his or her protest.

NEW SECTION, Sec. 5. (1) It is unlawful for any person to acquire control of a debenture company until thirty days after filing with the director a copy of the notice of change of control on the form specified by the director. The notice or application shall be under oath and contain substantially all of the following information plus any additional information that the director may prescribe as necessary or appropriate in the particular instance for the protection of investors, borrowers, or shareholders and the public interest:

(a) The identity and business experience of each person by whom or on whose behalf acquisition is to be made;

(b) The financial and managerial resources and future prospects of each person involved in the acquisition;

(c) The terms and conditions of any proposed acquisition and the manner in which the acquisition is to be made;

(d) The source and amount of the funds or other consideration used or to be used in making the acquisition, and a description of the transaction and the names of the parties if any part of these funds or other consideration has been or is to be borrowed or otherwise obtained for the purpose of making the acquisition;

(e) Any plan or proposal which any person making the acquisition may have to liquidate the debenture company, to sell its assets, to merge it with any other company, or to make any other major change in its business or corporate structure or management;

(f) The identification of any person employed, retained, or to be compensated by the acquiring party, or by any person on its behalf, who makes solicitations or recommendations to shareholders for the purpose of assisting in the acquisition and a brief description of the terms of the employment, retainer, or arrangement for compensation; and

(g) Copies of all invitations for tenders or advertisements making a tender offer to shareholders for the purchase of their stock to be used in connection with the proposed acquisition.

(2) When a person, other than an individual or corporation, is required to file an application under this section, the director may require that the information required by subsection (1)(a), (b), and (f) of this section be given with respect to each person who has an interest in or controls a person filing an application under this subsection.

(3) When a corporation is required to file an application under this section, the director may require that the information required by subsection (1)(a), (b), and (f) of this section be given for the company, each officer and director of the company, and each person who is directly or indirectly the beneficial owner of twenty-five percent or more of the outstanding voting securities of the company.

(4) If any tender offer, request, or invitation for tenders or other agreements to acquire control is proposed to be made by means of a registration statement under the Securities Act of 1933 (48 Stat. 74; 15 U.S.C. Sec. 77(a)), as amended, or in circumstances requiring the disclosure of similar information under the Securities Exchange Act of 1934 (48 Stat. 881; 15 U.S.C. Sec. 78(a)), as amended, the registration statement or application may be filed with the director in lieu of the requirements of this section.

(5) Any acquiring party shall also deliver a copy of any notice or application required by this section to the debenture company proposed to be acquired within two days after the notice or application is filed with the director.

(6) Any acquisition of control in violation of this section shall be ineffective and void.

(7) Any person who wilfully or intentionally violates this section or any rule adopted pursuant thereto is guilty of a gross misdemeanor and shall be punished pursuant to chapter 9A.20 RCW. Each day's violation shall be considered a separate violation.

NEW SECTION. Sec. 6. The director may disapprove the acquisition of a debenture company within thirty days after the filing of a complete application under section 5 of this act or an extended period not exceeding an additional fifteen days if:

(1) The poor financial condition of any acquiring party might jeopardize the financial stability of the debenture company or might prejudice the interests of the investors, borrowers, or shareholders;

(2) The plan or proposal of the acquiring party to liquidate the debenture company, to sell its assets, to merge it with any person, or to make any other major change in its business or corporate structure or management is not fair and reasonable to the debenture company's investors, borrowers, or stockholders or is not in the public interest;

(3) The business experience and integrity of any acquiring party who would control the operation of the debenture company indicates that approval would not be in the interest of the debenture company's investors, borrowers, or shareholders;

(4) The information provided by the application is insufficient for the director to make a determination or there has been insufficient time to verify the information provided and conduct an examination of the qualification of the acquiring party; or

(5) The acquisition would not be in the public interest.

NEW SECTION. Sec. 7. (1) The director may issue and serve upon a debenture company a notice of charges if in the opinion of the director any debenture company:

(a) Is engaging or has engaged in an unsafe or unsound practice in conducting the business of the debenture company;

(b) Is violating or has violated the law, a rule or order, or any condition imposed in writing by the director in connection with the granting of any application or other request by the debenture company or any written agreement made with the director; or

(c) Is about to do the acts prohibited in (a) or (b) of this subsection when the opinion that the threat exists is based upon reasonable cause.

(2) The notice shall contain a statement of the facts constituting the alleged violation or violations or the practice or practices and shall fix a time and place at which a hearing will be held to determine whether an order to cease and desist should issue against the debenture company. The hearing shall be set in accordance with chapter 34.04 RCW.

Unless the debenture company appears at the hearing by a duly authorized representative, it shall be considered to have consented to the issuance of the cease and desist order. If this consent or if upon the record made at the hearing the director finds that any violation or practice specified in the notice of charges has been established, the director may issue and serve upon the debenture company an order to cease and desist from the violation or practice. The order may require the debenture company and its directors, officers, employees, and agents to cease and desist from the violation or practice and may require the debenture company to take affirmative action to correct the conditions resulting from the violation or practice.

(3) A cease and desist order shall become effective at the expiration of ten days after the service of the order upon the debenture company concerned except that a cease and desist order issued upon consent shall become effective at the time specified in the order and shall remain effective as provided therein unless it is stayed, modified, terminated, or set aside by action of the director or a reviewing court.

NEW SECTION. Sec. 8. Whenever the director determines that the acts specified in section 7 of this act or their continuation is likely to cause insolvency or substantial dissipation of assets or

earnings of the debenture company or to otherwise seriously prejudice the interests of its security holders, the director may also issue a temporary order requiring the debenture company to cease and desist from the violation or practice. The order shall become effective upon service on the debenture company and shall remain effective unless set aside, limited, or suspended by a court in proceedings under section 7 of this act pending the completion of the administrative proceedings under the notice and until such time as the director dismisses the charges specified in the notice or until the effective date of a cease and desist order issued against the debenture company under section 7 of this act.

Sec. 9. Section 32, chapter 282, Laws of 1959 as last amended by section 1, chapter 90, Laws of 1986 and RCW 21.20.320 are each amended to read as follows:

The following transactions are exempt from RCW 21.20.040 through 21.20.300 except as expressly provided:

(1) Any isolated transaction, or sales not involving a public offering, whether effected through a broker-dealer or not; or any transaction effected in accordance with any rule by the director establishing a nonpublic offering exemption pursuant to this subsection where registration is not necessary or appropriate in the public interest or for the protection of investors.

(2) Any nonissuer distribution of an outstanding security by a registered broker-dealer if (a) a recognized securities manual contains the names of the issuer's officers and directors, a balance sheet of the issuer as of a date within eighteen months, and a profit and loss statement for either the fiscal year preceding that date or the most recent year of operations, or (b) the security has a fixed maturity or a fixed interest or dividend provision and there has been no default during the current fiscal year or within the three preceding fiscal years, or during the existence of the issuer and any predecessors if less than three years, in the payment of principal, interest, or dividends on the security.

(3) Any nonissuer transaction effected by or through a registered broker-dealer pursuant to an unsolicited order or offer to buy; but the director may by rule require that the customer acknowledge upon a specified form that the sale was unsolicited, and that a signed copy of each such form be preserved by the broker-dealer for a specified period.

(4) Any transaction between the issuer or other person on whose behalf the offering is made and an underwriter, or among underwriters.

(5) Any transaction in a bond or other evidence of indebtedness secured by a real or chattel mortgage or deed of trust, or by an agreement for the sale of real estate or chattels, if the entire mortgage, deed of trust, or agreement, together with all the bonds or other evidences of indebtedness secured thereby, is offered and sold as a unit. A bond or other evidence of indebtedness is not offered and sold as a unit if the transaction involves:

(a) A partial interest in one or more bonds or other evidences of indebtedness secured by a real or chattel mortgage or deed of trust, or by an agreement for the sale of real estate or chattels; or

(b) One of multiple bonds or other evidences of indebtedness secured by one or more real or chattel mortgages or deeds of trust, or agreements for the sale of real estate or chattels, sold to more than one purchaser as part of a single plan of financing; or

(c) A security including an investment contract other than the bond or other evidence of indebtedness.

(6) Any transaction by an executor, administrator, sheriff, marshal, receiver, trustee in bankruptcy, guardian, or conservator.

(7) Any transaction executed by a bona fide pledgee without any purpose of evading this chapter.

(8) Any offer or sale to a bank, savings institution, trust company, insurance company, investment company as defined in the Investment Company Act of 1940, pension or profit-sharing trust, or other financial institution or institutional buyer, or to a broker-dealer, whether the purchaser is acting for itself or in some fiduciary capacity.

(9) Any transaction pursuant to an offering not exceeding five hundred thousand dollars effected in accordance with any rule by the director if the director finds that registration is not necessary in the public interest and for the protection of investors.

(10) Any offer or sale of a preorganization certificate or subscription if (a) no commission or other remuneration is paid or given directly or indirectly for soliciting any prospective subscriber, (b) the number of subscribers does not exceed ten, and (c) no payment is made by any subscriber.

(11) Any transaction pursuant to an offer to existing security holders of the issuer, including persons who at the time of the transaction are holders of convertible securities, nontransferable warrants, or transferable warrants exercisable within not more than ninety days of their issuance, if (a) no commission or other remuneration (other than a standby commission) is paid or given directly or indirectly for soliciting any security holder in this state, or (b) the issuer first files a notice specifying the terms of the offer and the director does not by order disallow the exemption within the next five full business days.

(12) Any offer (but not a sale) of a security for which registration statements have been filed under both this chapter and the Securities Act of 1933 if no stop order or refusal order is in

effect and no public proceeding or examination looking toward such an order is pending under either act.

(13) The issuance of any stock dividend, whether the corporation distributing the dividend is the issuer of the stock or not, if nothing of value is given by stockholders for the distribution other than the surrender of a right to a cash dividend where the stockholder can elect to take a dividend in cash or stock.

(14) Any transaction incident to a right of conversion or a statutory or judicially approved reclassification, recapitalization, reorganization, quasi reorganization, stock split, reverse stock split, merger, consolidation, or sale of assets.

(15) The offer or sale by a registered broker-dealer, or a person exempted from the registration requirements pursuant to RCW 21.20.040, acting either as principal or agent, of securities previously sold and distributed to the public: PROVIDED, That:

(a) Such securities are sold at prices reasonably related to the current market price thereof at the time of sale, and, if such broker-dealer is acting as agent, the commission collected by such broker-dealer on account of the sale thereof is not in excess of usual and customary commissions collected with respect to securities and transactions having comparable characteristics;

(b) Such securities do not constitute the whole or a part of an unsold allotment to or subscription or participation by such broker-dealer as an underwriter of such securities or as a participant in the distribution of such securities by the issuer, by an underwriter or by a person or group of persons in substantial control of the issuer or of the outstanding securities of the class being distributed; and

(c) The security has been lawfully sold and distributed in this state or any other state of the United States under this or any act regulating the sale of such securities.

(16) Any transactions by a mutual or cooperative association issuing to its patrons any receipt, written notice, certificate of indebtedness, or stock for a patronage dividend, or for contributions to capital by such patrons in the association if any such receipt, written notice, or certificate made pursuant to this paragraph is nontransferable except in the case of death or by operation of law and so states conspicuously on its face.

(17) Any transaction effected in accordance with any rule adopted by the director establishing a limited offering exemption which furthers objectives of compatibility with federal exemptions and uniformity among the states, provided that in adopting any such rule the director may require that no commission or other remuneration be paid or given to any person, directly or indirectly, for effecting sales unless the person is registered under this chapter as a broker-dealer or salesperson.

NEW SECTION. Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 11. Sections 3 and 5 through 8 of this act are added to chapter 21.20 RCW and shall be codified within the subchapter "ADDITIONAL PROVISIONS."

NEW SECTION. Sec. 12. Sections 1 through 8 of this act shall take effect January 1, 1988. The director of licensing may take whatever action is necessary to implement this act on its effective date. This act applies to any person, individual, corporation, partnership, or association whether or not in existence on or prior to January 1, 1988.

NEW SECTION. Sec. 13. The sum of forty-two thousand dollars is appropriated from the general fund to the department of licensing for the biennium ending June 30, 1989, to carry out the purposes of this act."

On motion of Senator Moore, the following title amendment was adopted:

On page 1, line 1 of the title, after "securities;" strike the remainder of the title and insert "amending RCW

21.20.705, 21.20.715, 21.20.720, and 21.20.320; adding new sections to chapter 21.20 RCW; prescribing penalties; making an appropriation; and providing an effective date."

#### MOTION

On motion of Senator Moore, the rules were suspended, Engrossed House Bill No. 713, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 713, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 713, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson,

Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McDermott, Sellar - 2.

ENGROSSED HOUSE BILL NO. 713, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 743, by Committee on Trade and Economic Development (originally sponsored by Representatives Cantwell, Vekich, Schoon, R. King, Scott, Holm and Sutherland) (by request of Department of Trade and Economic Development)

Revising community economic revitalization board statutes.

The bill was read the second time.

#### MOTIONS

On motion of Senator Warnke, the following Committee on Commerce and Labor amendment was adopted:

On page 7, line 10, after "subdivision," strike all material down through "biennium," on line 20

On motion of Senator Warnke, the rules were suspended, Engrossed Substitute House Bill No. 743, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 743, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 743, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McDermott, Sellar - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 743, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 902, by Committee on Local Government (originally sponsored by Representatives Haugen, Ferguson and Hine)

Exempting city and town fire and police chiefs from civil service provisions.

The bill was read the second time.

#### MOTIONS

Senator Halsan moved that the following Committee on Governmental Operations amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 4, chapter 31, Laws of 1935 and RCW 41.08.050 are each amended to read as follows:

The classified civil service and provisions of this chapter shall include all full paid employees of the fire department of each city, town or municipality coming within its purview, ~~((including the chief of that department))~~ except that individuals appointed as fire chief after July 1, 1987, may be excluded by the legislative body of the city, town, or municipality. All appointments to and promotions in said department shall be made solely on merit, efficiency and fitness, which shall be ascertained by open competitive examination and impartial investigation. No person shall be reinstated in, or transferred, suspended or discharged from any such place, position or employment contrary to the provisions of this chapter.

Sec. 2. Section 4, chapter 13, Laws of 1937 and RCW 41.12.050 are each amended to read as follows:

The classified civil service and provisions of this chapter shall include all full paid employees of the police department of each city, town or municipality coming within its purview (~~including the chief of that department~~). However: (1) Individuals appointed as police chief after July 1, 1987, to a department with six or more commissioned officers, including the police chief, may be excluded by the legislative body of the city, town, or municipality; and (2) individuals appointed as police chief prior to July 1, 1987, in a city with a population in excess of forty thousand may be excluded by the legislative body of the city. All appointments to and promotions in said department shall be made solely on merit, efficiency and fitness, which shall be ascertained by open competitive examination and impartial investigation. No person shall be reinstated in or transferred, suspended or discharged from any such place, position or employment contrary to the provisions of this chapter.

NEW SECTION. Sec. 3. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Senator Bailey moved that the following amendment by Senators Bailey and Bender to the Committee on Governmental Operations amendment be adopted:

On page 2 of the amendment, after line 30, insert the following:

NEW SECTION. Sec. 3. The intent of sections 4 through 6 and 8 through 10 of this act is to require certain qualifications for candidates for the office of chief of police; chief law enforcement officer; marshal; director of public safety, who in part oversees law enforcement personnel or activities; or constable.

The legislature finds that over the past century the field of law enforcement has become increasingly complex and many new techniques and resources have evolved both socially and technically. In addition the ever-changing requirements of law, both constitutional and statutory provisions protecting the individual and imposing responsibilities and legal liabilities of law enforcement officers and the government of which they represent, require an increased level of training and experience in the field of law enforcement.

The legislature, therefore finds that minimum requirements are reasonable and necessary to seek and hold the offices or office of chief of police, chief law enforcement officer, marshal, director of public safety, or constable and that such requirements are in the public interest.

NEW SECTION. Sec. 4. (1) A person seeking appointment to the office of chief of police, chief law enforcement officer, marshal, director of public safety, or constable, is ineligible unless that person:

- (a) Is a citizen of the United States of America;
  - (b) Has obtained a high school diploma or general equivalency diploma;
  - (c) Has not been convicted under the laws of this state, another state, or the United States of a felony;
  - (d) Has not been convicted of a gross misdemeanor or any crime involving moral turpitude within five years of the date of application;
  - (e) Has received at least a general discharge under honorable conditions from any branch of the armed services for any military service;
  - (f) Has completed at least two years of regular, uninterrupted, full-time commissioned law enforcement employment involving enforcement responsibilities with a government law enforcement agency; and
  - (g) The person has been certified as a regular and commissioned enforcement officer through compliance with this state's basic training requirement or equivalency.
- (2) A person seeking appointment to the office of chief of police, chief law enforcement officer, marshal, director of public safety, or constable, shall provide a sworn statement under penalty of perjury to the appointing authority stating that the person meets the requirements of this section.

NEW SECTION. Sec. 5. Before making an appointment in the office of chief of police, chief law enforcement officer, marshal, director of public safety, or constable, the appointing agency shall complete a thorough background investigation of the candidate according to standards set by the Washington association of sheriffs and police chiefs.

NEW SECTION. Sec. 6. In the case of a vacancy in the office of chief of police, chief law enforcement officer, marshal, director of public safety, or constable, all requirements and procedures of sections 4 and 5 of this act shall be followed in filling the vacancy.

NEW SECTION. Sec. 7. Sections 4 through 6 of this act are each added to chapter 35.21 RCW.

NEW SECTION. Sec. 8. (1) A person seeking appointment to the office of chief of police, chief law enforcement officer, marshal, director of public safety, or constable, is ineligible unless that person:

- (a) Is a citizen of the United States of America;
- (b) Has obtained a high school diploma or general equivalency diploma;
- (c) Has not been convicted under the laws of this state, another state, or the United States of a felony;

(d) Has not been convicted of a gross misdemeanor or any crime involving moral turpitude within five years of the date of application;

(e) Has received at least a general discharge under honorable conditions from any branch of the armed services for any military service;

(f) Has completed at least two years of regular, uninterrupted, full-time commissioned law enforcement employment involving enforcement responsibilities with a government law enforcement agency; and

(g) The person has been certified as a regular and commissioned enforcement officer through compliance with this state's basic training requirement or equivalency.

(2) A person seeking appointment to the office of chief of police, chief law enforcement officer, marshal, director of public safety, or constable, shall provide a sworn statement under penalty of perjury to the appointing authority stating that the person meets the requirements of this section.

NEW SECTION, Sec. 9. Before making an appointment in the office of chief of police, chief law enforcement officer, marshal, director of public safety, or constable, the appointing agency shall complete a thorough background investigation of the candidate according to standards set by the Washington association of sheriffs and police chiefs.

NEW SECTION, Sec. 10. In the case of a vacancy in the office of chief of police, chief law enforcement officer, marshal, director of public safety, or constable, all requirements and procedures of sections 8 and 9 of this act shall be followed in filling the vacancy.

NEW SECTION, Sec. 11. Sections 8 through 10 of this act are each added to chapter 35A.21 RCW."

Renumber the sections consecutively.

#### POINT OF INQUIRY

Senator Warnke: "Senator Bailey, on the amendment on line 25, do I read this to say that only a veteran may be a chief of police?"

Senator Bailey: "No, I hope not. That's not the intent."

Senator Warnke: "I don't think that might be the intent, but it says, 'A person seeking the appointment to the office of chief of police, chief law enforcement officer, marshal, is ineligible unless that person has received at least a general discharge under honorable conditions from any branch of the armed services for any military services.'"

Further debate ensued.

#### MOTION

On motion of Senator Bottiger, further consideration of Substitute House Bill No. 902 was deferred.

#### SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 5080,

SENATE BILL NO. 5085,

SENATE BILL NO. 5164,

SENATE BILL NO. 5205,

SUBSTITUTE SENATE BILL NO. 5301,

SENATE BILL NO. 5348,

SUBSTITUTE SENATE BILL NO. 5371,

SENATE BILL NO. 5402,

SENATE BILL NO. 5410,

SENATE BILL NO. 5442,

SUBSTITUTE SENATE BILL NO. 5466,

SUBSTITUTE SENATE BILL NO. 5495,

SENATE BILL NO. 5597,

SENATE BILL NO. 5668,

SUBSTITUTE SENATE BILL NO. 5679,

SENATE BILL NO. 5740,

SUBSTITUTE SENATE BILL NO. 5761,

SENATE BILL NO. 5822,

SECOND SUBSTITUTE SENATE BILL NO. 5845,

SUBSTITUTE SENATE BILL NO. 5858,

SUBSTITUTE SENATE BILL NO. 5892,

SUBSTITUTE SENATE BILL NO. 5944,

SENATE BILL NO. 6065.

## MOTION

At 12:02 p.m., on motion of Senator Bottiger, the Senate recessed until 1:00 p.m.

## AFTERNOON SESSION

The Senate was called to order at 1:02 p.m. by President Cherberg.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 677, by Committee on Commerce and Labor (originally sponsored by Representatives Patrick, Wang and R. King (by request of Department of Labor and Industries)

Changing requirements relating to industrial insurance administration.

The bill was read the second time.

## MOTION

On motion of Senator Vognild, the rules were suspended, Substitute House Bill No. 677 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## MOTION

On motion of Senator Pullen, Senators Benitz and Deccio were excused.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 677.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 677 and the bill passed the Senate by the following vote: Yeas, 43; absent, 2; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 43.

Absent: Senators Garrett, Williams - 2.

Excused: Senators Benitz, Deccio, McDermott, Sellar - 4.

SUBSTITUTE HOUSE BILL NO. 677, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Bender, Senators Stratton and Williams were excused.

## SECOND READING

HOUSE BILL NO. 399, by Representatives Wang, R. King, Patrick, Chandler, McMullen and Winsley (by request of Joint Select Committee on Industrial Insurance and Department of Labor and Industries)

Revising provisions relating to industrial insurance premiums.

The bill was read the second time.

## MOTION

On motion of Senator Warnke, the rules were suspended, House Bill No. 399 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Bottiger: "Senator Lee, does it do anything?"

Senator Lee: "Yes, it will and I think it will be very helpful to reduce industrial insurance premiums for those who have good safety records and safety programs."

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 399.

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 399 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 44.

Excused: Senators Deccio, McDermott, Sellar, Stratton, Williams - 5.

HOUSE BILL NO. 399, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 902 and the pending amendment by Senators Bailey and Bender on page 2, line 30, to the Committee on Governmental Operations amendment, deferred earlier today.

## MOTION

On motion of Senator Bailey, and there being no objection, the amendment by Senators Bailey and Bender on page 2, line 30, to the Committee on Governmental Operations amendment was withdrawn.

## MOTION

Senator Bailey moved that the revised amendment by Senators Bailey and Bender on page 2, line 30, to the Committee on Governmental Operations amendment be adopted:

On page 2, after line 30, insert the following:

**NEW SECTION.** Sec. 3. The intent of sections 4 through 6 and 8 through 10 of this act is to require certain qualifications for candidates for the office of chief of police; chief law enforcement officer; marshal; director of public safety, who in part oversees law enforcement personnel or activities; or constable.

The legislature finds that over the past century the field of law enforcement has become increasingly complex and many new techniques and resources have evolved both socially and technically. In addition the ever-changing requirements of law, both constitutional and statutory provisions protecting the individual and imposing responsibilities and legal liabilities of law enforcement officers and the government of which they represent, require an increased level of training and experience in the field of law enforcement.

The legislature, therefore finds that minimum requirements are reasonable and necessary to seek and hold the offices or office of chief of police, chief law enforcement officer, marshal, director of public safety, or constable and that such requirements are in the public interest.

**NEW SECTION.** Sec. 4. (1) A person seeking appointment to the office of chief of police, chief law enforcement officer, marshal, director of public safety, or constable, is ineligible unless that person:

- (a) Is a citizen of the United States of America;
- (b) Has obtained a high school diploma or general equivalency diploma;
- (c) Has not been convicted under the laws of this state, another state, or the United States of a felony;
- (d) Has not been convicted of a gross misdemeanor or any crime involving moral turpitude within five years of the date of application;
- (e) Has received at least a general discharge under honorable conditions from any branch of the armed services for any military service, if the person was in the military service;
- (f) Has completed at least two years of regular, uninterrupted, full-time commissioned law enforcement employment involving enforcement responsibilities with a government law enforcement agency; and
- (g) The person has been certified as a regular and commissioned enforcement officer through compliance with this state's basic training requirement or equivalency.

(2) A person seeking appointment to the office of chief of police, chief law enforcement officer, marshal, director of public safety, or constable, shall provide a sworn statement under penalty of perjury to the appointing authority stating that the person meets the requirements of this section.

**NEW SECTION.** Sec. 5. Before making an appointment in the office of chief of police, chief law enforcement officer, marshal, director of public safety, or constable, the appointing agency shall complete a thorough background investigation of the candidate according to standards set by the Washington association of sheriffs and police chiefs.

NEW SECTION. Sec. 6. In the case of a vacancy in the office of chief of police, chief law enforcement officer, marshal, director of public safety, or constable, all requirements and procedures of sections 4 and 5 of this act shall be followed in filling the vacancy.

NEW SECTION. Sec. 7. Sections 4 through 6 of this act are each added to chapter 35.21 RCW.

NEW SECTION. Sec. 8. (1) A person seeking appointment to the office of chief of police, chief law enforcement officer, marshal, director of public safety, or constable, is ineligible unless that person:

- (a) Is a citizen of the United States of America;
- (b) Has obtained a high school diploma or general equivalency diploma;
- (c) Has not been convicted under the laws of this state, another state, or the United States of a felony;
- (d) Has not been convicted of a gross misdemeanor or any crime involving moral turpitude within five years of the date of application;
- (e) Has received at least a general discharge under honorable conditions from any branch of the armed services for any military service, if the person was in the military service;
- (f) Has completed at least two years of regular, uninterrupted, full-time commissioned law enforcement employment involving enforcement responsibilities with a government law enforcement agency; and
- (g) The person has been certified as a regular and commissioned enforcement officer through compliance with this state's basic training requirement or equivalency.

(2) A person seeking appointment to the office of chief of police, chief law enforcement officer, marshal, director of public safety, or constable, shall provide a sworn statement under penalty of perjury to the appointing authority stating that the person meets the requirements of this section.

NEW SECTION. Sec. 9. Before making an appointment in the office of chief of police, chief law enforcement officer, marshal, director of public safety, or constable, the appointing agency shall complete a thorough background investigation of the candidate according to standards set by the Washington association of sheriffs and police chiefs.

NEW SECTION. Sec. 10. In the case of a vacancy in the office of chief of police, chief law enforcement officer, marshal, director of public safety, or constable, all requirements and procedures of sections 8 and 9 of this act shall be followed in filling the vacancy.

NEW SECTION. Sec. 11. Sections 8 through 10 of this act are each added to chapter 35A.21 RCW."

Renumber the sections consecutively.

#### POINT OF INQUIRY

Senator Bluechel: "Senator Halsan, on page 3, line 31, it mentions constables. Do we still have constables in any city or county of this state?"

Senator Halsan: "Not to my knowledge. Although, in some of the small towns, it's police chief or the marshal or a variety of terms. I think this covers them all-- whoever is the chief law enforcement officer of the town."

Senator Bluechel: "That would be constable, but is that used today?"

Senator Halsan: "Not to my knowledge, but there may be a town out there that refers to it as constable."

The President declared the question before the Senate to be adoption of the revised amendment by Senators Bailey and Bender to the Committee on Governmental Operations amendment.

The motion by Senator Bailey carried and the amendment to the committee amendment was adopted.

#### MOTION

Senator Tanner moved that the following amendments to the Committee on Governmental Operations amendment be considered simultaneously and adopted:

On page 2, line 6, after "purview" strike all material down to and including "city" on line 19 and insert ", ((including the chief of that department)) except that individuals appointed as police chief after July 1, 1987, to a department with six or more commissioned officers, including the police chief, may be excluded by the legislative body of the city, town or municipality."

On page 2, after Section 3, insert the following:

"NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1987."

## POINT OF INQUIRY

Senator Talmadge: "Senator Tanner, this amendment, I assume applies to Chief Davis of the Vancouver Police Department who was accused of harassing a female employee of the Department on the job. Does that mean that he will be protected from any opportunity to remove him, short of going through the civil service process to remove him?"

Senator Tanner: "Well, as a matter of fact, I am not concurring with your description of what he has been accused of, but it does--you are right--disallow the city of Vancouver from immediately firing Chief Leland Davis in Vancouver."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senator Tanner to the Committee on Governmental Operations amendment.

The motion by Senator Tanner carried and the amendments to the committee amendment were adopted.

The President declared the question before the Senate to be adoption of the Committee on Governmental Operations amendment, as amended.

The motion by Senator Halsan carried and the Committee on Governmental Operations amendment, as amended, was adopted.

## MOTION

On motion of Senator Halsan, the following title amendments were considered simultaneously and adopted:

On page 1, line 1 of the title, after "towns;" strike the remainder of the title and insert "and amending RCW 41.08.050 and 41.12.050."

On page 2, line 8 of the title amendment, strike "and amending RCW 41.08.050 and 41.12.050" and insert "amending RCW 41.08.050 and 41.12.050; adding new sections to chapter 35.21 RCW; adding new sections to chapter 35A.21 RCW; and creating a new section."

On page 2 in the title amendment, after "insert" strike "and amending RCW 41.08.050 and 41.12.050;" and insert "amending RCW 41.08.050 and 41.12.050; providing an effective date; and declaring an emergency."

## MOTION

On motion of Senator Halsan, the rules were suspended, Substitute House Bill No. 902, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## MOTION

On motion of Senator Metcalf, Senator von Reichbauer was excused.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 902, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 902, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Talmadge, Tanner, Vognild, Warnke, West, Wojahn, Zimmerman - 44.

Excused: Senators McDermott, Sellar, Stratton, von Reichbauer, Williams - 5.

SUBSTITUTE HOUSE BILL NO. 902, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## PERSONAL PRIVILEGE

Senator Deccio: "Mr. President, a point of personal privilege. The Melody Lane Singers are not just your ordinary group of singers. They range in age from six to seventeen years and they represent all of the schools in the Yakima Valley under the direction of Peggy Acken. They have performed before President Reagan, Governor Gardner, the International Rotary Club Convention in Las Vegas and

represented the state of Washington at the Expo '86 in Vancouver. They are an outstanding group and you will hear about them many, many times in the future and we thank the Senate for taking the time to honor them."

#### SECOND READING

HOUSE BILL NO. 985, by Representatives Ferguson, Zellinsky, Winsley, Kremen, May, Betrozoff, Appelwick, Holland, Amondson, Doty, Moyer, Wineberry and Schoon

Allowing alternative education courses to be completed for reduction of automobile insurance premiums.

The bill was read the second time.

#### MOTION

On motion of Senator Moore, the rules were suspended, House Bill No. 985 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 985.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 985 and the bill passed the Senate by the following vote: Yeas, 29; nays, 15; absent, 1; excused, 4.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, McCaslin, Metcalf, Moore, Owen, Rasmussen, Rinehart, Smitherman, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, Wojahn - 29.

Voting nay: Senators Barr, Benitz, Bluechel, Bottiger, Cantu, Hayner, Lee, McDonald, Nelson, Newhouse, Patterson, Pullen, Saling, West, Zimmerman - 15.

Absent: Senator Peterson - 1.

Excused: Senators McDermott, Sellar, Stratton, Williams - 4.

HOUSE BILL NO. 985, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Bender, Senator Peterson was excused.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 326, by Representatives Grant, Nealey, Kremen, Bristow, McLean, Rayburn, Braddock, Rasmussen, Madsen, Prince, Holm and Miller

Requiring two and one-half percent of the department of ecology's appropriation from the water quality account to be transferred to the state conservation commission.

The bill was read the second time.

#### MOTION

On motion of Senator Hansen, the rules were suspended, Engrossed House Bill No. 326 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 326.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 326 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 45.

Excused: Senators McDermott, Peterson, Sellar, Williams - 4.

ENGROSSED HOUSE BILL NO. 326, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 476, by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Lux, Chandler and P. King)

Revising regulations for banks and banking activities.

The bill was read the second time.

## MOTION

On motion of Senator Moore, the following Committee on Financial Institutions amendment was adopted:

On page 6, after line 9, insert the following:

**\*NEW SECTION.** Sec. 5. (1) The Washington land bank shall be examined by the department of general administration, division of banking, at such times as the supervisor may determine, but in no event less than once each year. Such examinations shall include, but are not limited to, an analysis of credit and collateral quality and capitalization of the institution, and an appraisal of the effectiveness of the institution's management and application of policies for the carrying out the requirements of chapter 31.30 RCW, and servicing all eligible borrowers. At the direction of the supervisor, the division of banking shall examine the condition of any organization with which the Washington land bank contemplates making a loan or discounting paper. For the purposes of this chapter, bank analysts shall be subject to the same requirements, responsibilities, and penalties as are applicable to examiners under Title 30 RCW, the Federal Reserve Act, and Federal Deposit Insurance Act, and other provisions of law and shall have the same powers and privileges as are vested in such examiners by law.

(2) The Washington land bank shall make and publish an annual report of condition. Each such report shall contain financial statements prepared in accordance with generally accepted accounting principles and contain such additional information as may be required by the board of directors. Such financial statements shall be audited by an independent certified public accountant.

**NEW SECTION.** Sec. 6. The Washington land bank shall make at least three regular reports each year to the supervisor, as of the dates designated, according to form prescribed, verified by the president, vice-president, or secretary and attested by at least two directors, which shall exhibit under appropriate heads the resources and liabilities of the bank. Each such report in condensed form, to be prescribed by the supervisor, shall be published once in a newspaper of general circulation, published in a place where the corporation is located, or if there be no newspaper published in such place, then in some newspaper published in the same county. The Washington land bank shall also make such special reports as the supervisor shall call for.

**NEW SECTION.** Sec. 7. Every regular report shall be filed with the supervisor within thirty days from the date of issuance of the notice therefor and proof of publication of such report shall be filed with the supervisor within forty days from such date. Every special report shall be filed with the supervisor within such time as shall be specified in the notice therefor.

Failure of the Washington land bank to file any report, required to be filed as aforesaid within the time herein specified, shall be subject to a penalty of fifty dollars per day for each day's delay. A civil action for the recovery of any such penalty may be brought by the attorney general in the name of the state.

**NEW SECTION.** Sec. 8. The supervisor shall collect from the Washington land bank for application and investigations and for each examination of its condition a fee as set by applicable regulation of the division of banking.

**NEW SECTION.** Sec. 9. (1) All examination reports and all information obtained by the supervisor and the supervisor's staff in conducting examinations of the Washington land bank is confidential and privileged information and shall not be made public or otherwise disclosed to any person, firm, corporation, agency, association, governmental body, or other entity.

(2) Subsection (1) of this section notwithstanding, the supervisor may furnish all or any part of examination reports prepared by the supervisor's office to:

(a) Officials empowered to investigate criminal charges subject to legal process, valid search warrant, or subpoena. If the supervisor furnishes any examination report to officials empowered to investigate criminal charges, the supervisor may only furnish that part of the report which is necessary and pertinent to the investigation, and the supervisor may do this only after notifying the Washington land bank and any customer of the Washington land bank who is named in that part of the examination or report ordered to be furnished unless the officials requesting the report first obtain a waiver of the notice requirement from a court of competent jurisdiction for good cause;

(b) The Washington land bank;

(c) The attorney general in his or her role as legal advisor to the supervisor;

(d) A person or organization officially connected with the Washington land bank as officer, director, attorney, auditor, or independent attorney or independent auditor.

(3) All examination reports furnished under subsections (2) and (4) of this section shall remain the property of the division of banking, and be confidential and no person, agency, or authority to whom reports are furnished or any officer, director, or employee thereof shall disclose or make public any of the reports or any information contained therein except in published statistical material that does not disclose the affairs of any individual or corporation: PROVIDED, That nothing herein shall prevent the use in a criminal prosecution of reports furnished under subsection (2) of this section.

(4) The examination report made by the division of banking is designed for use in the supervision of the Washington land bank. The report shall remain the property of the supervisor and will be furnished to the Washington land bank for its confidential use. Under no circumstances shall the Washington land bank, or any of its directors, officers, or employees disclose or make public in any manner the report or any portion thereof, to any person or organization not connected with the Washington land bank as officer, director, employee, attorney, auditor, or candidate for executive office with the bank.

(5) Examination reports and information obtained by the supervisor and the supervisor's staff in conducting examinations shall not be subject to public disclosure under chapter 42.17 RCW.

(6) In any civil action in which the reports are sought to be discovered or used as evidence, any party may, upon notice to the supervisor, petition the court for an in camera review of the report. The court may permit discovery and introduction of only those portions of the report which are relevant and otherwise unobtainable by the requesting party. This subsection shall not apply to an action brought or defended by the supervisor.

(7) This section shall not apply to investigation reports prepared by the supervisor and the supervisor's staff concerning an application for establishment of the Washington land bank: PROVIDED, That the supervisor may adopt rules making confidential portions of the reports if in the supervisor's opinion the public disclosure of the portions of the report would impair the ability to obtain the information which the supervisor considers necessary to fully evaluate the application.

(8) Every person who violates any provision of this section shall be guilty of a gross misdemeanor.

**NEW SECTION, Sec. 10.** (1) The supervisor may issue and serve upon the Washington land bank a notice of charges if in the opinion of the supervisor, the Washington land bank:

(a) Is engaging or has engaged in an unsafe or unsound practice in conducting its business;

(b) Is violating or has violated the law, rule, or any condition imposed in writing by the supervisor in connection with the granting of any application or other request by the bank or any written agreement made with the supervisor; or

(c) Is about to do the acts prohibited in (a) or (b) of this subsection when the opinion that the threat exists is based upon reasonable cause.

(2) The notice shall contain a statement of the facts constituting the alleged violation or violations or the practice or practices and shall fix a time and place at which a hearing will be held to determine whether an order to cease and desist should issue against the bank. The hearing shall be set not earlier than ten days nor later than thirty days after service of the notice unless a later date is set by the supervisor at the request of the bank.

Unless the bank shall appear at the hearing by a duly authorized representative it shall be deemed to have consented to the issuance of the cease and desist order. In the event of this consent or if upon the record made at the hearing the supervisor finds that any violation or practice specified in the notice of charges has been established, the supervisor may issue and serve upon the bank an order to cease and desist from the violation or practice. The order may require the bank and its directors, officers, employees, and agents to cease and desist from the violation or practice and may require the bank to take affirmative action to correct the conditions resulting from the violation or practice.

(3) A cease and desist order shall become effective at the expiration of ten days after the service of the order upon the bank except that a cease and desist order issued upon consent shall become effective at the time specified in the order and shall remain effective as provided therein unless it is stayed, modified, terminated, or set aside by action of the supervisor or a reviewing court.

**NEW SECTION, Sec. 11.** Whenever the supervisor determines that the acts specified in the foregoing section or their continuation is likely to cause insolvency or substantial dissipation of assets or earnings of the bank, the supervisor may also issue a temporary order requiring the bank to cease and desist from the violation or practice. The order shall become effective upon service on the bank and shall remain effective unless set aside, limited, or suspended by a court in proceedings under section 8 of this act pending the completion of the administrative proceedings under the notice and until such time as the supervisor shall dismiss the charges specified in the notice or until the effective date of a cease and desist order issued against the bank pursuant to section 8 of this act.

**NEW SECTION.** Sec. 12. Within ten days after the bank has been served with a temporary cease and desist order, the bank may apply to the superior court in the county of its principal place of business for an injunction setting aside, limiting, or suspending the order pending the completion of the administrative proceedings pursuant to the notice served. The superior court shall have jurisdiction to issue the injunction.

**NEW SECTION.** Sec. 13. In the case of a violation or threatened violation of a temporary cease and desist order issued, the supervisor may apply to the superior court of the county of the principal place of business of the bank for an injunction to enforce the order, and the court shall issue an injunction if it determines that there has been a violation or threatened violation.

**NEW SECTION.** Sec. 14. (1) Any administrative hearing may be held at such place as is designated by the supervisor and shall be conducted in accordance with chapter 34.04 RCW. The hearing shall be private unless the supervisor determines that a public hearing is necessary to protect the public interest after fully considering the views of the party afforded the hearing.

Within sixty days after the hearing the supervisor shall render a decision which shall include findings of fact upon which the decision is based and shall issue and serve upon each party to the proceedings an order or orders.

Unless a petition for review is timely filed in the superior court of the county of the principal place of business of the bank and until the record in the proceeding has been filed as therein provided, the supervisor may at any time modify, terminate, or set aside any order upon such notice and in such manner as deemed proper. Upon filing the record, the supervisor may modify, terminate, or set aside any order only with permission of the court.

The judicial review provided in this section for an order shall be exclusive.

(2) Any party to the proceeding or any person required by an order to refrain from any of the violations or practices stated therein may obtain a review of any order served under subsection (1) of this section other than one issued upon consent by filing in the superior court of the county of the principal place of business of the bank within ten days after the date of service of the order a written petition praying that the order of the supervisor be modified, terminated, or set aside. A copy of the petition shall be immediately served upon the supervisor and the supervisor shall then file in the court the record of the proceeding. The court shall have jurisdiction upon the filing of the petition, which jurisdiction shall become exclusive upon the filing of the record to affirm, modify, terminate, or set aside in whole or in part the order of the supervisor except that the supervisor may modify, terminate, or set aside an order with the permission of the court. The judgment and decree of the court shall be final, except that it shall be subject to appellate review under the rules of court.

(3) The commencement of proceedings for judicial review under subsection (2) of this section shall not operate as a stay of any order issued by the supervisor unless specifically ordered by the court.

**NEW SECTION.** Sec. 15. The supervisor may serve upon a director, officer, or employee of the Washington land bank a written notice of the supervisor's intention to remove the person from office or to prohibit the person from participation in the conduct of the affairs of the bank whenever:

(1) In the opinion of the supervisor any director, officer, or employee of the bank has committed or engaged in:

- (a) Any violation of law or rule or of a cease and desist order which has become final;
- (b) Any unsafe or unsound practice in connection with the bank; or
- (c) Any act, omission, or practice which constitutes a breach of his fiduciary duty as director, officer, or employee; and

(2) The supervisor determines that:

- (a) The bank has suffered or may suffer substantial financial loss or other damage; or
- (b) The interests of its investors could be seriously prejudiced by reason of the violation or practice or breach of fiduciary duty; and

(c) The violation or practice or breach of fiduciary duty is one involving personal dishonesty, recklessness, or incompetence on the part of the director, officer, or employee.

**NEW SECTION.** Sec. 16. A notice of an intention to remove a director, officer, or employee from office or to prohibit participation in the conduct of the affairs of the bank shall contain a statement of the facts which constitute grounds therefor and shall fix a time and place at which a hearing will be held. The hearing shall be set not earlier than ten days nor later than thirty days after the date of service of the notice unless an earlier or later date is set by the supervisor at the request of the director, officer, or employee for good cause shown or of the attorney general of the state.

Unless the director, officer, or employee appears at the hearing personally or by a duly authorized representative, the person shall be deemed to have consented to the issuance of an order of removal or prohibition or both. In the event of such consent or if upon the record made at the hearing the supervisor finds that any of the grounds specified in the notice have been established, the supervisor may issue such orders of removal from office or prohibition from participation in the conduct of the affairs of the bank as the supervisor may consider appropriate.

Any order shall become effective at the expiration of ten days after service upon the bank and the director, officer, or employee concerned except that an order issued upon consent shall become effective at the time specified in the order.

An order shall remain effective except to the extent it is stayed, modified, terminated, or set aside by the supervisor or a reviewing court.

**NEW SECTION.** Sec. 17. If at any time because of the removal of one or more directors under this chapter there shall be on the board of directors of the bank less than a quorum of directors, all powers and functions vested in or exercisable by the board shall vest in and be exercisable by the director or directors remaining until such time as there is a quorum on the board of directors. If all of the directors of the bank are removed under this chapter, the supervisor shall appoint persons to serve temporarily as directors until such time as their respective successors take office.

**NEW SECTION.** Sec. 18. Sections 5 through 17 of this act are each added to chapter 31.30 RCW."

Renumber the remaining sections consecutively.

### MOTION

Senator Metcalf moved that the following amendment by Senators Metcalf and Fleming be adopted:

On page 6, after line 9, insert the following:

"Sec. 5. Section 30.04.060, chapter 33, Laws of 1955 as last amended by section 3, chapter 305, Laws of 1985 and RCW 30.04.060 are each amended to read as follows:

(1) The supervisor, the deputy supervisor, or a bank examiner, without previous notice, shall visit each bank and each trust company at least once every eighteen months, and oftener if necessary, for the purpose of making a full investigation into the condition of such corporation, and for that purpose they are hereby empowered to administer oaths and to examine under oath any director, officer, employee, or agent of such corporation. The supervisor may make such other full or partial examinations as deemed necessary and may examine any bank holding company that owns any portion of a bank or trust company chartered by the state of Washington and obtain reports of condition for any bank holding company that owns any portion of a bank or trust company chartered by the state of Washington. The supervisor may visit and examine into the affairs of any nonpublicly held corporation in which the bank, trust company, or bank holding company has an investment or any publicly held corporation the capital stock of which is controlled by the bank, trust company, or bank holding company; may appraise and revalue such corporations' investments and securities; and shall have full access to all the books, records, papers, securities, correspondence, bank accounts, and other papers of such corporations for such purposes. The supervisor may, in his or her discretion, accept in lieu of the examinations required in this section the examinations conducted at the direction of the federal reserve board or the Federal Deposit Insurance Corporation. Any wilful false swearing in any examination is perjury in the second degree.

(2) The supervisor may enter into cooperative and reciprocal agreements with the bank regulatory authorities of the United States, any state, the District of Columbia, or any trust territory of the United States for the periodic examination of domestic bank holding companies owning banking institutions in other states, the District of Columbia, or trust territories, or of out-of-state bank holding companies owning a bank, trust company, or national banking association the principal operations of which are conducted in this state. The supervisor may accept reports of examination and other records from such authorities in lieu of conducting his or her own examinations. The supervisor may enter into joint actions with other regulatory bodies having concurrent jurisdiction or may enter into such actions independently to carry out his or her responsibilities under this title and assure compliance with the laws of this state.

Sec. 6. Section 1, chapter 245, Laws of 1977 ex. sess. as amended by section 2, chapter 279, Laws of 1986 and RCW 30.04.075 are each amended to read as follows:

(1) All examination reports and all information obtained by the supervisor and the supervisor's staff in conducting examinations of banks, trust companies, or alien banks is confidential and privileged information and shall not be made public or otherwise disclosed to any person, firm, corporation, agency, association, governmental body, or other entity.

(2) Subsection (1) of this section notwithstanding, the supervisor may furnish all or any part of examination reports prepared by the supervisor's office to:

(a) Federal agencies empowered to examine state banks, trust companies, or alien banks;  
 (b) Bank regulatory authorities with whom the supervisor has entered into agreements pursuant to RCW 30.04.060(2);

(c) Officials empowered to investigate criminal charges subject to legal process, valid search warrant, or subpoena. If the supervisor furnishes any examination report to officials empowered to investigate criminal charges, the supervisor may only furnish that part of the report which is necessary and pertinent to the investigation, and the supervisor may do this only after notifying the affected bank, trust company, or alien bank and any customer of the bank, trust company, or alien bank who is named in that part of the examination or report

ordered to be furnished unless the officials requesting the report first obtain a waiver of the notice requirement from a court of competent jurisdiction for good cause;

((e)) (d) The examined bank, trust company, or alien bank, or holding company thereof;

((d)) (e) The attorney general in his or her role as legal advisor to the supervisor;

((e)) (f) Liquidating agents of a distressed bank, trust company, or alien bank;

((f)) (g) A person or organization officially connected with the bank as officer, director, attorney, auditor, or independent attorney or independent auditor;

((g)) (h) The Washington public deposit protection commission as provided by RCW 39.58.105.

(3) All examination reports furnished under subsections (2) and (4) of this section shall remain the property of the division of banking, and be confidential and no person, agency, or authority to whom reports are furnished or any officer, director, or employee thereof shall disclose or make public any of the reports or any information contained therein except in published statistical material that does not disclose the affairs of any individual or corporation: PROVIDED, That nothing herein shall prevent the use in a criminal prosecution of reports furnished under subsection (2) of this section.

(4) The examination report made by the division of banking is designed for use in the supervision of the bank, trust company, or alien bank. The report shall remain the property of the supervisor and will be furnished to the bank, trust company, or alien bank solely for its confidential use. Under no circumstances shall the bank, trust company, or alien bank or any of its directors, officers, or employees disclose or make public in any manner the report or any portion thereof, to any person or organization not connected with the bank as officer, director, employee, attorney, auditor, or candidate for executive office with the bank. The bank may also, after execution of an agreement not to disclose information in the report, disclose the report or relevant portions thereof to a party proposing to acquire or merge with the bank.

(5) Examination reports and information obtained by the supervisor and the supervisor's staff in conducting examinations shall not be subject to public disclosure under chapter 42.17 RCW.

(6) In any civil action in which the reports are sought to be discovered or used as evidence, any party may, upon notice to the supervisor, petition the court for an in camera review of the report. The court may permit discovery and introduction of only those portions of the report which are relevant and otherwise unobtainable by the requesting party. This subsection shall not apply to an action brought or defended by the supervisor.

(7) This section shall not apply to investigation reports prepared by the supervisor and the supervisor's staff concerning an application for a new bank or trust company or an application for a branch of a bank, trust company, or alien bank: PROVIDED, That the supervisor may adopt rules making confidential portions of the reports if in the supervisor's opinion the public disclosure of the portions of the report would impair the ability to obtain the information which the supervisor considers necessary to fully evaluate the application.

(8) Every person who violates any provision of this section shall be guilty of a gross misdemeanor."

Remember the remaining section consecutively and correct internal references accordingly.

#### POINT OF ORDER

Senator West: "Mr. President, I would like to challenge the scope and object of this amendment. The bill itself addresses boards of directors of banks and bank holding companies. The committee amendment addresses the state land bank. This goes way beyond that in talking about bank acquisitions and is much broader than the original bill or even the committee amendment, so I would challenge it on that basis."

Debate ensued.

#### MOTION

On motion of Senator Vognild, further consideration of the amendment by Senators Metcalf and Fleming was deferred.

#### MOTION

Senator Fleming moved that the following amendment by Senators Fleming and Metcalf be adopted:

On page 6, after line 9, insert the following:

"Sec. 5. Section 3, chapter 246, Laws of 1977 ex. sess. and RCW 30.04.410 are each amended to read as follows:

(1) The supervisor may ~~((file an action in the superior court of the county in which the bank is located to restrain the pending acquisition or control of a bank if he finds after considering the application and within thirty days after its filing any of the following))~~ disapprove the

acquisition of a bank or trust company within thirty days after the filing of a complete application pursuant to RCW 30.04.405 or an extended period not exceeding an additional fifteen days if:

((+)) (a) The poor financial condition of any acquiring party might jeopardize the financial stability of the bank or might prejudice the interests of the bank depositors, borrowers, or shareholders;

((#)) (b) The plan or proposal of the acquiring party to liquidate the bank, to sell its assets, to merge it with any person, or to make any other major change in its business or corporate structure or management is not fair and reasonable to the bank's depositors, borrowers, or stockholders or is not in the public interest;

((#)) (c) The banking and business experience and integrity of any acquiring party who would control the operation of the bank indicates that approval would not be in the interest of the bank's depositors, borrowers, or shareholders;

((\*) (d) The information provided by the application is insufficient for the supervisor to make a determination or there has been insufficient time to verify the information provided and conduct an examination of the qualification of the acquiring party; or

((#)) (e) The acquisition would not be in the public interest.

(2) An acquisition may be made prior to expiration of the disapproval period if the supervisor issues written notice of intent not to disapprove the action.

(3) Whenever such a change in control occurs, each party to the transaction shall report promptly to the supervisor any changes or replacement of its chief executive officer or of any director occurring in the next twelve-month period, including in its report a statement of the past and current business and professional affiliations of the new chief executive officer or directors."

Renumber the remaining section accordingly and correct internal references accordingly.

#### POINT OF ORDER

Senator West: "Thank you, Mr. President. I would ask you to rule on the scope and object of this amendment, also. While it might fit the title, it certainly does not fit the original intent of the bill. A citizen looking at that in its original full title wouldn't have a clue that interstate banking would be included in the discussion on this bill. I think it's clearly beyond the object of the original bill and beyond the scope of the original bill. It opens up a new section, a new title, that was not before the committee with this bill and was not even before the committee with the committee amendment, so it doesn't fit this bill."

Debate ensued.

#### INQUIRY BY THE PRESIDENT

President Cherberg: "Senator West, did you or did you not raise the point of scope and object?"

Senator West: "Mr. President, I raise the scope and object on the points on code revisor draft No. S2698, the amendment Senator Fleming has moved before us."

President Cherberg: "Senator West has raised the point that the proposed amendment changes the scope and object of the bill."

#### MOTION

On motion of Senator Vognild, further consideration of the amendment by Senators Fleming and Metcalf on page 6, line 9, was deferred.

#### MOTION

Senator Bottiger moved that the following amendment be adopted:

On page 6, after line 9, insert the following:

"NEW SECTION. Sec. \_\_\_\_ Section 3, chapter 145, Laws of 1972 ex. sess. as amended by section 100, chapter 3, Laws of 1983 and RCW 43.08.135 are each amended to read as follows:

"(1) The state treasurer shall maintain at all times cash, or demand deposits in qualified public depositories in an amount needed to meet the operational needs of state government: PROVIDED, That the state treasurer shall not be considered in violation of RCW 9A.56.060(1) if he maintains demand accounts in public depositories in an amount less than all treasury warrants issued and outstanding.

(2) The state treasurer may not maintain accounts in a public depository if that public depository or its holding company makes any contribution to a political committee registered under chapter 42.17 RCW. This restriction does not apply if the name of the public depository or its holding company is included in the name of the political committee."

Renumber the remaining sections consecutively

## POINT OF ORDER

Senator West: "Mr. President, the previous speaker actually makes a very good point and I would join him next year to require truth in advertising and truth in naming of all PACs. We have a little PAC over in my area that's called the Brotherhood and I still don't know who the Brotherhood is, but they gave a lot of money in the campaign and it wasn't for me.

"Mr. President, I would ask that you also rule--I question the scope and object on this amendment. This takes an incredible leap of faith because you have to jump from title thirty clear across to title forty-three to get this one to be included in the bill and I would ask and suggest that this is outside the scope and object."

Further debate ensued.

## MOTION

On motion of Senator Vognild, further consideration of Substitute House Bill No. 476 was deferred.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 341, by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Dellwo, Nutley, Chandler, Silver, Lux, Meyers, P. King, Ferguson, Betzoff, C. Smith and May)

Revising the corporate powers of banks.

The bill was read the second time.

## MOTION

On motion of Senator Moore, the following Committee on Financial Institutions amendments were considered simultaneously and adopted:

On page 1, line 5, strike all of NEW SECTION, Sec. 1 and renumber the remaining sections accordingly.

On page 1, line 25, after "assets" insert "or fifty percent of the net worth, whichever is less."

On page 1, line 25, after "company," insert "For purposes of this subsection, 'net worth' means the aggregate of capital, surplus, undivided profits, and all capital notes and debentures which are subordinate to the interest of depositors."

On page 2, line 9, after "The" strike "supervisor of banking" and insert "~~((supervisor of banking))~~ director of general administration"

On page 2, beginning on line 16, strike "supervisor" and insert "~~((supervisor))~~ director"

On page 2, line 22, after "distinction" strike "between" and insert "~~((between))~~ among"

On page 2, line 27, after "the" strike "supervisor" and insert "~~((supervisor))~~ director"

On page 2, line 28, after "The" strike "supervisor" and insert "~~((supervisor))~~ director"

On page 2, line 29, after "supervisor of" insert "banking, with the supervisor of"

On page 2, line 33, after "The" strike "supervisor" and insert "~~((supervisor))~~ director"

On page 2, line 36, after "The" strike "supervisor of banking" and insert "~~((supervisor of banking))~~ director"

On page 3, line 2, after "1987." strike everything down to and including "1986." on line 4 and insert "~~((A progress report shall be submitted to the governor and the respective standing committees of the house of representatives and the senate not later than December 1, 1986.))~~"

## MOTION

Senator Smitherman moved that the following amendment by Senators Smitherman and Warnke be adopted:

On page 3, after line 6, insert the following:

NEW SECTION, Sec. 5. The legislature finds and declares that:

(1) Expansion of small businesses will have a favorable impact on the Washington economy; by creating jobs, increasing competition in the marketplace, and expanding tax revenues. Small business expansion is a major source of new employment opportunities for economically distressed communities, for economically disadvantaged individuals, and for individuals of low and moderate income generally; and

(2) There is an unmet need to provide long-term capital to rapidly growing small businesses whose growth exceeds their ability to generate internal earnings to finance that growth; and

(3) Under traditional standards used by banks many well-operated small businesses cannot provide security adequate to qualify for normal bank loans; and

(4) This problem is especially severe in its effects on economically distressed communities and on economically disadvantaged individuals; and

(5) It is desirable to address this problem by creating an efficient, nonbureaucratic form of state assistance to encourage banks to make many such loans which are not now made; and

(6) Assistance and encouragement of small business development to provide, maintain, and expand employment and tax revenues is an important function of the state; and

(7) The modest state expenditure to encourage such loans will be returned to the people of the state of Washington in the form of increased tax revenues based on business expansion and reduction in the number of unemployed persons.

In order to accomplish these goals, the legislature creates the Washington small business loan program. The intent of the legislature is to provide sufficient incentives to financial institutions and credit unions to make small business loans that would otherwise not be made to worthy small businesses. Further, it is the intent of the legislature to provide incentives which will result in greater availability of small business financing to economically distressed communities and to economically disadvantaged individuals to promote the creation of new employment opportunities and the retention of existing employment in the state.

NEW SECTION. Sec. 6. As used in this chapter, the term:

(1) "Lender participant" means such financial institutions and credit unions as are approved by the supervisor to make loans under this chapter.

(2) "Eligible loan" means a loan to a person under the conditions set forth in this chapter.

(3) "Amount of loss" means an amount equal to the unpaid balance of the principal amount, less any amounts realized by perfecting rights under a security agreement, together with such interest as the executive director shall allow, to a maximum of such interest as may be allowed by rule. The amount of loss is subject to the limitations contained in section 14(2)(c) of this act.

(4) "Default" includes only such defaults as have existed for at least ninety days.

(5) "Premium charge" means the percent of the loan which shall be deposited in the small business loan reserve fund by the lender and the borrower on loans made pursuant to this chapter.

(6) "Executive director" means the executive director of the small business loan program.

(7) "Fund" means the small business loan reserve fund.

(8) "State match" means the percent of the loan which shall be deposited in the small business loan reserve fund by the state on loans made pursuant to this chapter.

(9) "Manufacturing" means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and shall include the production or fabrication of specially made or custom made articles. "Manufacturing" also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(10) "Traded services" means those commercial and professional services that are developed for sale outside the state.

(11) "Supervisor" means the state supervisor of banking.

(12) "Director" means the director of the department of community development.

(13) "First source hiring agreement" means an agreement requiring a business to interview prospective employees from a list of the unemployed supplied by the employment security department and hire any qualified candidates on the list before hiring any candidates not on the department's list.

NEW SECTION. Sec. 7. In addition to the powers and duties prescribed under this chapter, the state supervisor of banking may exercise all the powers necessary or convenient for the enforcement of this chapter. The supervisor may adopt such rules as he or she finds necessary or appropriate in carrying out this chapter after consultation with the director and representatives of small businesses and lender participants. The supervisor may examine the loans made under this chapter at any participating bank to ascertain compliance with this chapter and any rules adopted under this chapter, and to ascertain whether a bank is exercising reasonable care and diligence in the making and collection of loans made under this chapter.

An exempt position is hereby created within the department of community development for the executive director of the small business loan program. The executive director shall be appointed by the director of the department of community development and shall serve at the director's pleasure. The director shall delegate to the executive director such duties as the director deems necessary to the administration of the program. The program shall be administered in conjunction with the development loan fund authorized under chapter 43.168 RCW. The director may employ such other employees as may be needed to carry out the powers and duties imposed under this chapter.

The director shall report to the governor and the house ways and means and trade and economic development committees and the senate ways and means and commerce and labor committees by December 1 of each year and shall include in the report the following:

(1) The names of all financial institutions certified to participate in the small business loan program;

(2) The names and locations by county of all borrowers under the program;

- (3) The number of employees by county of all borrowers under the program;
- (4) The total amount of funds lent under the program by county;
- (5) The total amount of funds lent under the program reported separately by categories of uses made by borrowers of the proceeds;
- (6) The amount paid out of the fund for loans in default, by lender, and by county;
- (7) The financial condition of the fund;
- (8) An evaluation of the extent to which the results of the program meet the objectives of the program as defined in section 5 of this act. This evaluation shall include a review of success in meeting criteria listed in section 10(4) of this act;
- (9) The expenditure of funds under section 9 of this act; and
- (10) Such other information as in the director's judgment may be desirable.

**NEW SECTION.** Sec. 8. (1) The small business loan reserve fund is hereby established in the custody of the state treasurer. The fund shall consist of appropriations made to the fund and any other public or private money received under this chapter. Moneys in the fund may be used only to secure loans made under this chapter. Disbursements from the fund shall be on authorization of the director. The fund is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

(2) The state shall not be liable or obligated for any amount exceeding its appropriations to the small business loan reserve fund.

(3) Funds held in the small business loan reserve fund which are attributable to the lender participant's portion of the premium charge shall be accounted for on a lender-by-lender basis and shall include the matching premium charge paid by the borrowers and the state match paid by the state.

(4) Upon authorization by the director, disbursements from the small business loan reserve fund shall be made to financial institutions by the state treasurer in warrants drawn by the controller pursuant to this chapter.

(5) Funds in the small business loan reserve fund shall be invested in time certificates of deposit with lender participants in proportion to each lender participant's participation in the small business loan reserve program. Such funds shall be offered on a right of first refusal to lender participants. Should a lender participant refuse to receive such funds for investment, the funds shall then be offered other lender participants in proportion to their participation in the small business loan reserve program.

**NEW SECTION.** Sec. 9. (1) All income from funds invested pursuant to section 8 of this act shall be deposited in the small business loan reserve fund, and shall be used exclusively for the support of the small business loan reserve program.

(2) Whenever the director determines that the income from funds invested pursuant to section 8 of this act exceeds amounts necessary to support the small business loan reserve program pursuant to subsection (1) of this section, the director may order any excess funds transferred into the general fund, but not to exceed the amount appropriated to the small business loan reserve fund.

**NEW SECTION.** Sec. 10. (1) The supervisor shall certify those financial institutions whose experience, financial capability, and such other criteria as the supervisor may establish under rules adopted under this chapter, qualify them to participate in the small business loan reserve program.

(2) Any financial institution may be disqualified from further participation in the small business loan reserve program on a finding, by the supervisor, as specified by rule, that such institution has violated any provision of this chapter, or any rule adopted under this chapter, or that such institution is insolvent.

(3) A loan made by a lender participant shall be recorded under this section if made to a corporation, partnership, sole proprietorship, cooperative, or other association doing business primarily in Washington, whether nonprofit or organized for profit.

(4) The executive director shall adopt by rule eligibility criteria for loans made under this chapter. Such criteria shall be consistent with the intent of this chapter to assist small businesses with strong potential for growth and job creation and, to that end, such loans shall be primarily devoted to businesses engaging in manufacturing or traded services. Such criteria shall include but shall not be limited to: The potential for benefiting economically distressed communities; the potential for benefiting economically disadvantaged individuals; the potential for benefiting individuals of low and moderate income; the potential for creating new employment opportunities, especially opportunities for stable high wage employment; the potential for retaining existing employment, especially stable high wage employment; the potential for local economic diversification; the impact on the stabilization, modernization, and long-term growth potential of mature industries; and the size and types of businesses which shall be eligible to receive loans which may be based on the standard industrial classification code. Absence of a classification within the standard industrial classification code for a type of business shall not preclude it from being established as an eligible business.

(5) No more than twenty-five percent of the proceeds of any loans made under this chapter may be used by the borrowing business for the payment of existing loans to that business.

(6) Upon default by the borrower on any loan made under this chapter, the executive director may require from the lender a showing as to how the proceeds of the loan were disbursed.

**NEW SECTION.** Sec. 11. Prior to the making of a loan under this chapter, the executive director shall enter into contracts with lender participants and borrowers. In exchange for the state's agreement to place the state match in the small business loan reserve fund, the contracts shall: (1) Obligate the lender participants to adhere to the provisions of this chapter and to make loans, consistent with eligibility criteria established pursuant to this chapter, to small businesses which do not meet standard lender eligibility criteria; and (2) obligate borrowers to enter into first source hiring agreements with the employment security department.

**NEW SECTION.** Sec. 12. The lender and borrower shall negotiate the premium charge for each loan made pursuant to this chapter. Such charge shall be from three percent to seven percent of the loan. The lender and borrower shall contribute an equal amount to the premium charge. The state match made under this chapter shall be equal in amount to the premium charge. When a loan is participated in by two or more lender participants, the premium charge shall be a single rate, applicable to the entire loan. The lender's portion of the premium charge shall be apportioned among the lenders in proportion to each lender's participation in the loan.

**NEW SECTION.** Sec. 13. (1)(a) An application to record a loan made under this chapter shall be made by an eligible lender on such form as the executive director may require. The application shall set forth the amount of the loan, its maturity, interest rate, and amortization. In addition, the executive director may require other information relating to job creation.

(b) If, upon application by a lender participant, the executive director finds that the lender has made an eligible loan, the executive director shall cause the loan to be recorded.

(2)(a) The lender shall submit, together with the application under subsection (1) of this section, the following premium charges determined by the lender under section 12 of this act: (i) The percent premium charge payable by the lender; and (ii) the percent premium charge payable by the borrower.

(b) Premium charges collected under this section shall be deposited in the small business loan reserve fund.

(c) Upon recording a loan, the director shall allocate, from appropriated funds, the state match payable by the state in the small business loan reserve fund.

(3) All loans made under this chapter shall be recorded in a register to be maintained by the supervisor. The registration shall set forth the information contained in the application.

(4) At least annually, and more frequently at the direction of the supervisor, a summary of the information contained in the register maintained pursuant to subsection (3) of this section, shall be provided to each lender participant.

**NEW SECTION.** Sec. 14. (1) Upon default by the borrower on any loan made under this chapter, the lender, if a secured party, shall take steps, and avail itself of such rights and remedies as may be provided for in the security agreement and by virtue of chapter 62A.9 RCW except when, in the determination of the supervisor, special circumstances exist which do not warrant taking such action.

(2)(a) Upon default by the borrower on any loan made under this chapter, the lender shall promptly notify the supervisor and the executive director, and the director shall, if requested, either at that time, or after further collection efforts, pay to the lender the amount of the loss, subject to the limitation contained in (c) of this subsection, sustained by the lender.

(b) In addition to the amount of loss, the lender may claim five hundred dollars for collection expenses incurred in the attempted collection of the loan. Such collection expense shall be a charge against that portion of the small business loan reserve fund attributable to the lender who made the loan, and shall be subject to the limitation contained in (c) of this subsection.

(c) Payments made to a lender pursuant to this section shall not exceed the amount retained in the small business loan reserve fund attributable to the lender who made the loan.

(3) Amounts recovered by a lender's collection efforts subsequent to presenting a claim for loss pursuant to this section shall first be paid into the small business loan reserve fund to the credit of the lender to reimburse the fund for amounts paid to the lender pursuant to subsection (2)(a) of this section.

(4) Nothing in this section may be construed to excuse the lender from exercising reasonable care and diligence in the making and collection of loans under this chapter.

If the supervisor, after reasonable notice and opportunity for hearing to an eligible lender, finds that it has substantially failed to exercise such care and diligence required under this section, the supervisor shall disqualify that lender for further loans under this chapter until the supervisor is satisfied that its failure has ceased and finds that there is reasonable assurance that the lender will in the future exercise necessary care and diligence.

**NEW SECTION.** Sec. 15. A new section is added to chapter 42.17 RCW to read as follows:

Notwithstanding the provisions of RCW 42.17.260 through 42.17.340, no application to record a loan or the register of loans under chapter 43.— RCW (sections 5 through 14 of this act) may be made available to the public.

NEW SECTION. Sec. 16. Sections 5 through 14 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 17. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

#### POINT OF ORDER

Senator West: "Mr. President, it is with great reluctance that I ask you to rule on the scope and object of this amendment. Now, unlike the last three amendments, I am in great sympathy with the intent of Senator Smitherman's amendment to this bill. Looking at the bill, it doesn't fit it at all and we run the risk of hurting the original bill, which is a very important bill and I hope that we can find some place else to put this bill. I would ask that you rule on the scope and object of this amendment."

#### MOTION

On motion of Senator Vognild, further consideration of the amendment by Senators Smitherman and Warnke was deferred.

#### MOTION

Senator Bottiger moved that the following amendment be adopted:

On page 3, after line 4, insert the following:

"Sec. 3. Section 3, chapter 145, Laws of 1972 ex. sess. as amended by section 100, chapter 3, Laws of 1983 and RCW 43.08.135 are each amended to read as follows:

(1) The state treasurer shall maintain at all times cash, or demand deposits in qualified public depositories in an amount needed to meet the operational needs of state government: PROVIDED, That the state treasurer shall not be considered in violation of RCW 9A.56.060(1) if he maintains demand accounts in public depositories in an amount less than all treasury warrants issued and outstanding.

(2) The state treasurer may not maintain accounts in a public depository if that public depository or its holding company makes a contribution to a political committee registered under chapter 42.17 RCW. This restriction does not apply if the name of the public depository or its holding company is included in the name of the political committee."

Renumber the remaining sections consecutively

#### POINT OF ORDER

Senator Newhouse: "A point of order, Mr. President. It appears to me that the amendment is beyond the scope and object of Engrossed Substitute House Bill No. 341 and should be declared out."

#### MOTION

On motion of Senator Vognild, further consideration of Engrossed Substitute House Bill No. 341 was deferred.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 970, by Committee on Ways and Means/Appropriations (originally sponsored by Representatives Sayan, Taylor, Cole, Padden, Baugher, D. Sommers, Rayburn, Rust, Vekich, Schoon, Barnes, Fisch and Jesernig)

Providing a reimbursement formula for institutions for the mentally retarded.

The bill was read the second time.

#### MOTION

On motion of Senator Vognild, the rules were suspended, Substitute House Bill No. 970 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Bottiger: "Senator McDermott, I notice that there is a fiscal note on this bill. It sounds like a worthy bill to send some more money to nursing home operators. Could you tell me how much it costs?"

Senator McDermott: "I just called my office and it's about a half million dollars for the next biennium."

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 970.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 970 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 46.

Excused: Senators Peterson, Sellar, Williams - 3.

SUBSTITUTE HOUSE BILL NO. 970, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President returned the Senate to the fourth order of business.

#### MESSAGE FROM THE HOUSE

April 10, 1987

Mr. President:

The Speaker has signed SENATE BILL NO. 5955, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

At 2:23 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 3:09 p.m. by President Cherberg.

#### MESSAGE FROM THE HOUSE

April 8, 1987

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5024 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 77, Laws of 1963 as last amended by section 1, chapter 197, Laws of 1986 and RCW 18.27.020 are each amended to read as follows:

- (1) Every contractor shall register with the department.
- (2) It is a misdemeanor for any contractor having knowledge of the registration requirements of this chapter to:
  - (a) Advertise, offer to do work, submit a bid, or perform any work as a contractor without being registered as required by this chapter;
  - (b) Advertise, offer to do work, submit a bid, or perform any work as a contractor when the contractor's registration is suspended; or
  - (c) Transfer a valid registration to an unregistered contractor or allow an unregistered contractor to work under a registration issued to another contractor.
- (3) All misdemeanor actions under this chapter shall be prosecuted in the county where the infraction occurs.

Sec. 2. Section 3, chapter 77, Laws of 1963 as amended by section 3, chapter 153, Laws of 1973 1st ex. sess. and RCW 18.27.030 are each amended to read as follows:

An applicant for registration as a contractor shall submit an application under oath upon a form to be prescribed by the director and which shall include the following information pertaining to the applicant:

- (1) Employer social security number.
- (2) Industrial insurance number.
- (3) Employment security department number.
- (4) State excise tax registration number.
- (5) Type of contracting activity, whether a general or a specialty contractor and if the latter, the type of specialty.
- (6) The name and address of each partner if the applicant be a firm or partnership, or the name and address of the owner if the applicant be an individual proprietorship, or the name

and address of the corporate officers and statutory agent, if any, if the applicant be a corporation. The information contained in such application shall be a matter of public record and open to public inspection.

Registration shall be denied if the applicant has been previously registered as a sole proprietor, partnership or corporation, and was a principal or officer of the corporation, and if the applicant has unsatisfied final judgments or summons and complaints not dismissed that were filed pursuant to RCW 18.27.040, and that were incurred during a previous registration under this chapter.

Sec. 3. Section 10, chapter 77, Laws of 1963 as last amended by section 1, chapter 68, Laws of 1980 and RCW 18.27.100 are each amended to read as follows:

Except as provided in RCW 18.27.020 for partnerships and joint ventures, no person who has registered under one name as provided in this chapter shall engage in the business, or act in the capacity of a contractor under any other name unless such name also is registered hereunder. All advertising and all contracts, correspondence, cards, signs, posters, papers, and documents (~~(prepared by a contractor)~~) which show a contractor's name or address shall show the contractor's name or address as registered hereunder. The alphabetized listing of contractors appearing in the advertising section of telephone books or other directories and all advertising (~~(prepared by a contractor)~~), including by airwave transmission, which shows or announces the contractor's name or address shall show or announce the contractor's current registration number: PROVIDED, That signs on motor vehicles subject to RCW 46.16.010 and on-premise signs shall not constitute advertising as provided in this section. All materials (~~(prepared by a contractor and)~~) used to directly solicit business from retail customers who are not businesses shall show the contractor's current registration number. No contractor shall advertise that he is bonded and insured because of the bond required to be filed and sufficiency of insurance as provided in this chapter. A contractor shall not falsify a registration number and use it in connection with any solicitation or identification as a contractor. All individual contractors and all partners, associates, agents, salesmen, solicitors, officers, and employees of contractors shall use their true names and addresses at all times while engaged in the business or capacity of a contractor or activities related thereto. Any person who is found to be in violation of this section by the director at a hearing held in accordance with the administrative procedure act, chapter 34.04 RCW, shall be required to pay a penalty of not more than ~~((one))~~ five thousand dollars as determined by the director. However, the penalty under this section shall not apply to a violation determined to be an inadvertent error.

NEW SECTION. Sec. 4. A new section is added to chapter 18.27 RCW to read as follows:

When determining a violation of RCW 18.27.100, the director and administrative law judge shall hold responsible the person who purchased the advertising.

NEW SECTION. Sec. 5. A new section is added to chapter 18.27 RCW to read as follows:

(1) If, upon investigation, the director or the director's designee has probable cause to believe that a person holding a registration, an applicant for registration, or an unregistered person acting in the capacity of a contractor who is not otherwise exempted from this chapter, has violated RCW 18.27.100 by unlawfully advertising for work covered by this chapter in an alphabetical or classified directory, the department may issue a citation under chapter 34.04 RCW containing an order of correction. Such order shall require the violator to cease the unlawful advertising.

(2) If the person to whom a citation is issued under subsection (1) of this section notifies the department in writing that he or she contests the citation, the department shall afford an opportunity for a hearing, under chapter 34.04 RCW, within thirty days after receiving the notification.

Sec. 6. Section 4, chapter 77, Laws of 1963 as last amended by section 18, chapter 2, Laws of 1983 1st ex. sess. and RCW 18.27.040 are each amended to read as follows:

(1) Each applicant shall, at the time of applying for or renewing a certificate of registration, file with the department a surety bond issued by a surety insurer who meets the requirements of chapter 48.28 RCW in a form acceptable to the department running to the state of Washington if a general contractor, in the sum of six thousand dollars; if a specialty contractor, in the sum of four thousand dollars, conditioned that the applicant will pay all persons performing labor, including employee benefits, for the contractor, will pay all taxes and contributions due to the state of Washington, and will pay all persons furnishing labor or material or renting or supplying equipment to the contractor and will pay all amounts that may be adjudged against the contractor by reason of negligent or improper work or breach of contract in the conduct of the contracting business. A change in the name of a business or a change in the type of business entity shall not impair a bond for the purposes of this section so long as one of the original applicants for such bond maintains partial ownership in the business covered by the bond.

(2) Any contractor registered as of the effective date of this 1983 act who maintains such registration in accordance with this chapter shall be in compliance with this chapter until the next annual renewal of the contractor's certificate of registration. At that time, the contractor shall provide a bond, cash deposit, or other security deposit as required by this chapter and

comply with all of the other provisions of this chapter before the department shall renew the contractor's certificate of registration.

(3) Any person, firm, or corporation having a claim against the contractor for any of the items referred to in this section may bring suit upon such bond in the superior court of the county in which the work is done or of any county in which jurisdiction of the contractor may be had. The surety issuing the bond shall be named as a party to any suit upon the bond and shall be liable for court costs in the same manner as any other party to the suit. Action upon such bond or deposit shall be commenced by filing the complaint with the clerk of the appropriate superior court within one year from the date of expiration of the certificate of registration in force at the time the claimed labor was performed and benefits accrued, taxes and contributions owing the state of Washington became due, materials and equipment were furnished, or the claimed contract work was completed. Service of process in an action upon such bond shall be exclusively by service upon the department. Three copies of the complaint and a fee of ten dollars to cover the handling costs shall be served by registered or certified mail upon the department at the time suit is started and the department shall maintain a record, available for public inspection, of all suits so commenced. Service is not complete until the department receives the ten-dollar fee and three copies of the complaint. Such service shall constitute service on the registrant and the surety for suit upon the bond and the department shall transmit the complaint or a copy thereof to the registrant at the address listed in his application and to the surety within forty-eight hours after it shall have been received.

(4) Except as otherwise provided in subsection (3) of this section, the surety upon the bond shall not be liable in an aggregate amount in excess of the amount named in the bond nor for any monetary penalty assessed pursuant to this chapter for an infraction. The surety upon the bond may, upon notice to the department and the parties, tender to the clerk of the court having jurisdiction of the action an amount equal to the claims thereunder or the amount of the bond less the amount of judgments, if any, previously satisfied therefrom and to the extent of such tender the surety upon the bond shall be exonerated but if the actions commenced and pending at any one time exceed the amount of the bond then unimpaired, claims shall be satisfied from the bond in the following order:

- (a) Labor, including employee benefits;
- (b) Claims for breach of contract by a party to the construction contract;
- (c) Material and equipment;
- (d) Taxes and contributions due the state of Washington;
- (e) Any court costs, interest, and attorney's fees plaintiff may be entitled to recover.

(5) In the event that any final judgment shall impair the liability of the surety upon the bond so furnished that there shall not be in effect a bond undertaking in the full amount prescribed in this section, the department shall suspend the registration of such contractor until the bond liability in the required amount unimpaired by unsatisfied judgment claims shall have been furnished. If such bond becomes fully impaired, a new bond must be furnished at the increased rates prescribed by this section as now or hereafter amended.

(6) In lieu of the surety bond required by this section the contractor may file with the department a deposit consisting of cash or other security acceptable to the department.

(7) Any person having an unsatisfied final judgment against the registrant for any items referred to in this section may execute upon the security held by the department by serving a certified copy of the unsatisfied final judgment by registered or certified mail upon the department within one year of the date of entry of such judgment. Upon the receipt of service of such certified copy the department shall pay or order paid from the deposit, through the registry of the superior court which rendered judgment, towards the amount of the unsatisfied judgment. The priority of payment by the department shall be the order of receipt by the department, but the department shall have no liability for payment in excess of the amount of the deposit.

(8) The director may promulgate rules necessary for the proper administration of the security."

On page 1, line 1 of the title, after "contractors;" strike the remainder of the title and insert "amending RCW 18.27.020, 18.27.030, 18.27.100, and 18.27.040; and adding new sections to chapter 18.27 RCW."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Vognild, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5024.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5024, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5024, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; nays, 5; absent, 4; excused, 2.

Voting yea: Senators Anderson, Bailey, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Wvahn - 38.

Voting nay: Senators Barr, Bluechel, Hayner, Metcalf, Zimmerman - 5.

Absent: Senators Bauer, McDermott, Nelson, Tanner - 4.

Excused: Senators Sellar, Williams - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5024, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Bottiger, Senators McDermott and Tanner were excused.

## MESSAGE FROM THE HOUSE

April 8, 1987

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5299 with the following amendments:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION.** Sec. 1. The legislature finds it necessary to license the practice of massage and massage therapy in order to protect the public health and safety. It is the legislature's intent that only individuals who meet and maintain minimum standards of competence and conduct may provide services to the public. This chapter shall not be construed to require or prohibit individual or group policies or contracts of an insurance carrier, health care service contractor, or health maintenance organization from providing benefits or coverage for services and supplies provided by a person registered or certified under this chapter.

Sec. 2. Section 1, chapter 280, Laws of 1975 1st ex. sess. as amended by section 74, chapter 158, Laws of 1979 and RCW 18.108.010 are each amended to read as follows:

In this chapter, unless the context otherwise requires, the following meanings shall apply:

(1) "Board" means the ~~((state massage examining board;))~~ Washington state board of massage.

(2) "Massage" and "massage therapy" mean ~~((s the treatment of the superficial parts of the body, with or without the aid of soaps, oils, or lotions, by rubbing, touching, stroking, tapping, and kneading, provided no attempt be made to adjust or manipulate the articulations of the spine;))~~ a health care service involving the external manipulation or pressure of soft tissue for therapeutic purposes. Massage therapy includes massage techniques such as methods of effleurage, petrissage, tapotement, tapping, compressions, vibration, friction, nerve strokes, and Swedish gymnastics or movements either by manual means, as they relate to massage, with or without the aids of superficial heat, cold, water, lubricants, or salts. Massage therapy does not include diagnosis or attempts to adjust or manipulate any articulations of the body or spine or mobilization of these articulations by the use of a thrusting force.

(3) "Massage ~~((operator))~~ practitioner" means ~~((a person engaged in the practice of massage;))~~ an individual licensed under this chapter.

(4) "Director" means the director of licensing or the director's designee.

(5) ~~((Massage business means the operation of a business where massages are given;))~~ "Department" means the department of licensing.

Sec. 3. Section 3, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.030 are each amended to read as follows:

(1) No person ~~((shall engage in, or hold themselves out as engaged in the practice of massage without a massage operator's license issued by the director))~~ may practice or represent himself or herself as a massage practitioner without first applying for and receiving from the department a license to practice.

(2) A person represents himself or herself as a massage practitioner when the person adopts or uses any title or any description of services that incorporates one or more of the following terms or designations: Massage, massage practitioner, massage therapist, massage therapy, therapeutic massage, massage technician, massage technology, massagist, masseur, masseuse, myotherapist or myotherapy, touch therapist, reflexologist, accupressurist, body therapy or body therapist, or any derivation of those terms that implies a massage technique or method.

Sec. 4. Section 4, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.040 are each amended to read as follows:

It shall be unlawful to advertise the practice of massage (~~by a person not licensed by the director~~) using the term massage or any other term that implies a massage technique or method in any public or private publication or communication by a person not licensed by the director as a massage practitioner. Any person who holds a license to practice as a massage practitioner in this state may use the title "licensed massage practitioner" and the abbreviation "L.M.P.". No other persons may assume such title or use such abbreviation or any other word, letters, signs, or figures to indicate that the person using the title is a licensed massage practitioner.

Sec. 5. Section 5, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.050 are each amended to read as follows:

This chapter does not apply to:

(1) An individual giving massage (~~in their home~~) to members of (~~their~~) his or her immediate family;

(2) (~~Persons licensed in this state to practice medicine, surgery, drugless therapy, cosmetology, barbering, physical therapy, osteopathy, osteopathy and surgery, chiropractic, podiatry, nursing, or persons working under prescription, supervision, or direction of any such person~~) The practice of a profession by individuals who are licensed, certified, or registered under other laws of this state and who are performing services within their authorized scope of practice;

(3) Massage practiced at the athletic department of any institution maintained by the public funds of the state, or any of its political subdivisions;

(4) Massage practiced at the athletic department of any school or college (~~accredited by the northwest association of secondary and higher schools~~) approved by the department by rule using recognized national professional standards.

Sec. 6. Section 6, chapter 280, Laws of 1975 1st ex. sess. as amended by section 79, chapter 7, Laws of 1985 and RCW 18.108.060 are each amended to read as follows:

All licenses issued under the provisions of this chapter, unless otherwise provided shall expire on the annual anniversary date of the individual's date of birth.

~~(Failure to pay the annual license renewal fee by the dates specified above shall render the license invalid, but such license may be reinstated upon written application therefor to the director, and payment to the state of a penalty of ten dollars together with all delinquent annual license renewal fees.)~~

The director shall prorate the licensing fee for massage (~~operator~~) practitioner based on one-twelfth of the annual license fee for each full calendar month between the issue date and the next anniversary of the applicant's birth date, a date used as the expiration date of such license.

Every applicant for a license shall pay an examination fee determined by the director as provided in RCW 43.24.086, which fee shall accompany their application. Applications for licensure shall be submitted on forms provided by the director.

Applicants granted a license under this chapter shall pay to the director a license fee determined by the director as provided in RCW 43.24.086, prior to the issuance of their license, and an annual renewal fee determined by the director as provided in RCW 43.24.086. Failure to renew shall invalidate the license and all privileges granted to the licensee, but such license may be reinstated upon written application to the director and payment to the state of all delinquent fees and penalties as determined by the director. In the event a license has lapsed for a period longer than three years, the licensee shall demonstrate competence to the satisfaction of the director by proof of continuing education or other standard determined by the director with the advice of the board.

Sec. 7. Section 7, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.070 are each amended to read as follows:

The director shall (~~approve issuance of~~) issue a massage (~~operator~~) practitioner's license to (~~any~~) an applicant who (~~is eighteen years of age or over and who has furnished satisfactory proof of their good character and health and who also has passed a written or oral examination and/or practical demonstration, prepared and conducted by the board establishing their competency and ability to engage in the practice of massage. The examinations shall require the applicant to demonstrate a basic knowledge of anatomy, physiology, hygiene, first aid, and such other subjects as the examining board may determine. PROVIDED: That the board shall give an appropriate alternate form of examination for persons who cannot read or speak English to determine equivalent competency~~) demonstrates to the director's satisfaction that the following requirements have been met:

(1) Effective June 1, 1988, successful completion of a course of study in an approved massage program or approved apprenticeship program;

(2) Successful completion of an examination administered or approved by the board; and

(3) Be eighteen years of age or older.

In addition, applicants shall be subject to the grounds for denial or issuance of a conditional license under chapter 18.130 RCW.

The director may require any information and documentation that reasonably relates to the need to determine whether the applicant meets the criteria for licensure provided for in this chapter and chapter 18.130 RCW. The director shall establish by rule what constitutes adequate proof of meeting the criteria. The board shall give an appropriate alternate form of examination for persons who cannot read or speak English to determine equivalent competency.

NEW SECTION, Sec. 8. (1) The date and location of the examination shall be established by the director. Applicants who demonstrate to the director's satisfaction that the following requirements have been met shall be scheduled for the next examination following the filing of the application:

(a) Effective June 1, 1988, successful completion of a course of study in an approved massage program; or

(b) Effective June 1, 1988, successful completion of an apprenticeship program established by the board; and

(c) Be eighteen years of age or older.

In addition, completed and approved applications shall be received sixty days before the scheduled examination.

(2) The board or its designee shall examine each applicant in a written and practical examination determined most effective on subjects appropriate to the massage scope of practice. The subjects may include anatomy, kinesiology, physiology, pathology, principles of human behavior, massage theory and practice, hydrotherapy, hygiene, first aid, Washington law pertaining to the practice of massage, and such other subjects as the board may deem useful to test applicant's fitness to practice massage therapy. Such examinations shall be limited in purpose to determining whether the applicant possesses the minimum skill and knowledge necessary to practice competently.

(3) The examination papers, all grading of examinations, and the grading of any practical work, shall be preserved for a period of not less than one year after the board has made and published decisions thereupon. All examinations shall be conducted by the board under fair and impartial methods as determined by the director.

(4) An applicant who fails to make the required grade in the first examination is entitled to take up to two additional examinations upon the payment of a fee for each subsequent examination determined by the director as provided in RCW 43.24.086. Upon failure of three examinations, the director may invalidate the original application and require such remedial education as is required by the board before admission to future examinations.

(5) The board may approve an examination prepared or administered, or both, by a private testing agency or association of licensing boards for use by an applicant in meeting the licensing requirement.

Sec. 9. Section 2, chapter 280, Laws of 1975 1st ex. sess. as last amended by section 56, chapter 279, Laws of 1984 and by section 53, chapter 287, Laws of 1984 and RCW 18.108.020 are each reenacted and amended to read as follows:

The Washington state board of massage ((examining board)) is hereby created. The board shall consist of ((three)) four members who shall be appointed by the governor for a term of ((three)) four years each. Members shall be residents of this state and shall have not less than three years experience in the practice of massage immediately preceding their appointment and shall be licensed under this chapter and actively engaged in the practice of massage during their incumbency. ((Within thirty days after September 8, 1975, three members shall be appointed by the governor to serve one, two, and three years respectively.))

In addition to the members specified in this section, the governor shall appoint a consumer member of the board, who shall serve for a term of ((three)) four years. The consumer member of the board shall be an individual who does not derive his or her livelihood by providing health care services or massage therapy and is not a licensed health professional. The consumer member shall not be an employee of the state nor a present or former member of another licensing board.

In the event that a member cannot complete his or her term of office, another appointment shall be made by the governor in accordance with the procedures stated in this section to fill the remainder of the term. No member may serve more than two successive terms ((and shall qualify and receive a license pursuant to this chapter within ninety days of their appointment)) whether full or partial. The governor may remove any member of the board for neglect of duty, incompetence, or unprofessional or disorderly conduct as determined under chapter 18.130 RCW.

((Subject to the approval of the director, the board shall have the power to promulgate rules and regulations not inconsistent with the law and which may be necessary for the performance of its duties. It shall be the duty of the board to pass upon the qualifications of applicants for licenses, prepare the necessary examination questions and practical demonstrations, conduct examinations from time to time in such places as the director designates, and to determine the applicants who successfully passed the examination, and in turn notify the director of such determinations.))

Each member of the board shall be compensated in accordance with RCW 43.03.240. Members shall be reimbursed for travel expenses incurred in the actual performance of their duties, as provided in RCW 43.03.050 and 43.03.060.

The board may annually elect a chairperson to direct the meetings of the board. The board shall meet as called by the chairperson or the director. Three members of the board shall constitute a quorum of the board.

NEW SECTION, Sec. 10. In addition to any other authority provided by law, the board may:

- (1) Adopt rules in accordance with chapter 34.04 RCW necessary to implement this chapter, subject to the approval of the director;
- (2) Define, evaluate, approve, and designate those schools, programs, and apprenticeship programs including all current and proposed curriculum, faculty, and health, sanitation, and facility standards from which graduation will be accepted as proof of an applicant's eligibility to take the licensing examination;
- (3) Review approved schools and programs periodically;
- (4) Prepare, grade, administer, and supervise the grading and administration of, examinations for applicants for licensure; and
- (5) Determine which states have educational and licensing requirements equivalent to those of this state.

The board shall establish by rule the standards and procedures for approving courses of study and may contract with individuals or organizations having expertise in the profession or in education to assist in evaluating courses of study. The standards and procedures set shall apply equally to schools and training within the United States of America and those in foreign jurisdictions.

NEW SECTION, Sec. 11. (1) In addition to any other authority provided by law, the director may:

- (a) Adopt rules, in accordance with chapter 34.04 RCW necessary to implement this chapter;
- (b) Set all license, examination, and renewal fees in accordance with RCW 43.24.086;
- (c) Establish forms and procedures necessary to administer this chapter;
- (d) Issue a license to any applicant who has met the education, training, and examination requirements for licensure; and
- (e) Hire clerical, administrative, and investigative staff as necessary to implement this chapter, and hire individuals licensed under this chapter to serve as examiners for any practical examinations.

(2) The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the disciplining of persons under this chapter. The director shall be the disciplining authority under this chapter.

(3) The director shall keep an official record of all proceedings under this chapter, a part of which record shall consist of a register of all applicants for licensure under this chapter, with the result of each application.

NEW SECTION, Sec. 12. An applicant holding a license in another state or foreign jurisdiction may be granted a Washington license without examination, if, in the opinion of the board, the other state's or foreign jurisdiction's examination and educational requirements are substantially equivalent to Washington's; PROVIDED, That the applicant demonstrates to the satisfaction of the board a working knowledge of Washington law pertaining to the practice of massage. The applicant shall provide proof in a manner approved by the department that the examination and requirements are equivalent to Washington's.

NEW SECTION, Sec. 13. Any person holding a valid license to practice massage issued by authority of the state on the effective date of this section shall continue to be licensed as a massage practitioner under the provisions of this chapter.

NEW SECTION, Sec. 14. This chapter shall not be construed as affecting any existing right acquired or liability or obligations incurred under the sections amended or repealed in this chapter or under any rule, regulation, or order adopted under those sections, nor as affecting any proceeding instituted under those sections.

NEW SECTION, Sec. 15. The following acts or parts of acts are each repealed:

- (1) Section 10, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.090;
- (2) Section 12, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.110;
- (3) Section 13, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.120;
- (4) Section 15, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.140;
- (5) Section 16, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.150;
- (6) Section 17, chapter 280, Laws of 1975 1st ex. sess., section 80, chapter 7, Laws of 1985 and RCW 18.108.160;
- (7) Section 19, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.180;
- (8) Section 21, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.200; and
- (9) Section 22, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.210.

NEW SECTION, Sec. 16. Sections 1, 8, and 10 through 14 of this act are each added to chapter 18.108 RCW.

**NEW SECTION.** Sec. 17. The sum of one hundred twelve thousand, five hundred seventy dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1989, from the health professions account to the department of licensing for the purposes of this act.

**NEW SECTION.** Sec. 18. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION.** Sec. 19. Section 12 of this act shall take effect June 1, 1988."

On page 1, line 1 of the title, after "therapy;" strike the remainder of the title and insert "amending RCW 18.108.010, 18.108.030, 18.108.040, 18.108.050, 18.108.060, and 18.108.070; reenacting and amending RCW 18.108.020; adding new sections to chapter 18.108 RCW; repealing RCW 18.108.090, 18.108.110, 18.108.120, 18.108.140, 18.108.150, 18.108.160, 18.108.180, 18.108.200, and 18.108.210; making an appropriation; and providing effective dates."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

Senator Warnke moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 5299.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Warnke that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 5299.

The motion by Senator Warnke carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5299.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5299, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5299, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent, 1; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Vogniild, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 43.

Voting nay: Senator Craswell - 1.

Absent: Senator Nelson - 1.

Excused: Senators McDermott, Sellar, Tanner, Williams - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5299, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 8, 1987

Mr. President:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5515 with the following amendments:

On page 2, line 7, after "(3)" insert "Vessel dealers selling fifteen vessels or fewer per year having a retail value of no more than two thousand dollars each shall not be subject to the provisions of subsection (2)."

Renumber the remaining subsection.

On page 2, line 24, after "vessel" insert "dealer"

On page 5, line 27, after "year," insert "Vessel dealers who assert that they qualify for the exemption provided in section 1, subsection (3) shall also record, on forms prescribed, the highest retail value of any vessel sold in the registration year."

On page 6, line 35 after "chapter;" strike "or" and insert "(5) Has misrepresented the facts at the time of application for registration or renewal; or"

Renumber the remaining subsection.,

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

## MOTION

Senator Warnke moved that the Senate do concur in the House amendments to Second Substitute Senate Bill No. 5515.

## POINT OF INQUIRY

Senator Bottiger: "Senator Warnke, I understand that it's fifteen vessels and two thousand dollars, so if someone were to sell five \$100,000 yachts, they would be covered by the bill?"

Senator Warnke: "Yes."

The President declared the question before the Senate to be the motion by Senator Warnke that the Senate do concur in the House amendments to Second Substitute Senate Bill No. 5515.

The motion by Senator Warnke carried and the Senate concurred in the House amendments to Second Substitute Senate Bill No. 5515.

The President declared the question before the Senate to be the roll call on final passage of Second Substitute Senate Bill No. 5515, as amended by the House.

## ROLL CALL

The Secretary called the roll on final passage of Second Substitute Senate Bill No. 5515, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 35; nays, 10; excused, 4.

Voting yea: Senators Bailey, Bauer, Bender, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 35.

Voting nay: Senators Anderson, Barr, Benitz, Bluechel, Craswell, Kiskaddon, McDonald, Metcalf, Nelson, Pullen - 10.

Excused: Senators McDermott, Sellar, Tanner, Williams - 4.

SECOND SUBSTITUTE SENATE BILL NO. 5515, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 7, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5058 with the following amendments:

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 6, chapter 324, Laws of 1981 and RCW 34.04.220 are each amended to read as follows:

Whenever a majority of the members of the rules review committee determines that a proposed rule is not within the intent of the legislature as expressed in the statute which the rule implements, the committee shall give the affected agency written notice of its decision. Whenever possible, the notice shall be given at least seven days prior to any hearing scheduled for consideration of or adoption of the proposed rule pursuant to RCW 34.04.025(1)(a)(iii) (as now or hereafter amended). The notice shall include a statement of the review committee's findings and the reasons therefor. The review committee may require the agency to hold a hearing to consider the review committee's decision.

Sec. 2. Section 7, chapter 324, Laws of 1981 and RCW 34.04.230 to read as follows:

(1) All rules required to be filed pursuant to RCW 34.04.040, and emergency rules adopted pursuant to RCW 34.04.030 (as now or hereafter amended), are subject to selective review by the legislature.

(2) The rules review committee may review an agency's use of policy statements, guidelines, issuances, or their equivalents for compliance with RCW 34.04.010(2).

(3) If the rules review committee finds by a majority vote of its members: (a) That an existing rule is not within the intent of the legislature as expressed by the statute which the rule implements, ~~(or)~~ (b) that the rule has not been adopted in accordance with all applicable provisions of law, or (c) that an agency has failed to adopt rules under subsection (2) of this section, the agency affected shall be notified of such finding and the reasons therefor. Within thirty days of the receipt of the rules review committee's notice, the agency shall file notice of a hearing on the rule in question with the code reviser and mail notice to all persons who have made timely request of the agency for advance notice of its rule-making proceedings as provided in RCW 34.04.025, as now or hereafter amended. The agency's notice shall include the

rules review committee's findings and reasons therefor, and shall be published in the Washington state register in accordance with the provisions of chapter 34.08 RCW.

~~((3))~~ (4) The agency shall consider fully all written and oral submissions regarding whether the rule in question is within the intent of the legislature as expressed by the statute which the rule implements and whether the rule was adopted in accordance with all applicable provisions of law.

Sec. 3. Section 8, chapter 324, Laws of 1981 and RCW 34.04.240 are each amended to read as follows:

(1) Within seven days of an agency hearing held after notification of the agency by the rules review committee pursuant to RCW 34.04.220 or 34.04.230, the affected agency shall notify the committee of its action on a proposed or existing rule to which the committee objected or on a failure to adopt rules. If the rules review committee determines, by a majority vote of its members, that the agency has failed to provide for the required hearings or notice of its action to the committee, the committee may file notice of its objections, together with a concise statement of the reasons therefor, with the code reviser within thirty days of such determination.

(2) If the rules review committee finds, by a majority vote of its members, that the proposed or existing rule in question or the failure to adopt a rule has not been modified, amended, withdrawn, or repealed by the agency so as to conform with the intent of the legislature, the rules review committee may, within thirty days from notification by the agency of its action, file with the code reviser notice of its objections together with a concise statement of the reasons therefor. Such notice and statement shall also be provided to the agency by the rules review committee.

(3) If the rules review committee makes an adverse finding under subsection (2) of this section, the committee may, by a two-thirds vote of its members, recommend suspension of an existing rule. Within seven days of such vote the committee shall transmit to the governor, the code reviser, and the agency written notice of its objection and recommended suspension and the concise reasons therefor. Within thirty days of receipt of the notice, the governor shall transmit to the committee, the code reviser, and the agency written approval or disapproval of the recommended suspension. If the suspension is approved by the governor, it is effective from the date of that approval and continues until ninety days after the expiration of the next legislative session.

(4) The code reviser shall publish transmittals from the rules review committee (a notice of objection and statement of the reasons therefor) or the governor issued pursuant to subsection (1) ((or), (2), or (3)) of this section in the Washington state register and shall publish in the next supplement and compilation of the Washington Administrative Code a reference to the committee's objection or recommended suspension and the governor's action on it and to the issue of the Washington state register in which the full text thereof appears.

~~((4) Such notice))~~ (5) The reference shall be removed from a rule published in the Washington Administrative Code if a subsequent adjudicatory proceeding determines that the rule is within the intent of the legislature or was adopted in accordance with all applicable laws, whichever was the objection of the rules review committee.

Sec. 4. Section 9, chapter 324, Laws of 1981 and RCW 34.04.250 are each amended to read as follows:

~~((1))~~ The rules review committee may recommend to the legislature that the original enabling legislation serving as authority for the promulgation of any rule reviewed by the committee be amended or repealed in such manner as the committee deems advisable.

~~((2) The rules review committee shall report on its activities, including findings and recommendations with respect to rule-making procedures of state agencies and institutions of higher education, thirty days prior to the convening of the regular session of the legislature in 1984.))~~

In line 1 of the title, after "rules;" strike the remainder of the title and insert "and amending RCW 34.04.220, 34.04.230, 34.04.240, and 34.04.250."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

Senator Halsan moved that the Senate do not concur in the House amendments to Substitute Senate Bill No. 5058 and asks the House to recede therefrom.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Halsan that the Senate do not concur in the House amendments to Substitute Senate Bill No. 5058.

The motion by Senator Halsan carried and the Senate did not concur in the House amendments to Substitute Senate Bill No. 5058 and asks the House to recede therefrom.

## MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Vognild moved to reconsider the vote by which Engrossed Substitute Senate Bill No. 5024, as amended by the House, passed the Senate earlier today.

The President declared the question before the Senate to be the motion by Senator Vognild that the Senate reconsider the vote by which Engrossed Substitute Senate Bill No. 5024, as amended by the House, passed the Senate earlier today.

The motion by Senator Vognild carried and the Senate commenced reconsideration of Engrossed Substitute Senate Bill No. 5024, as amended by the House.

## MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Vognild moved to reconsider the vote by which the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5024.

The President declared the question before the Senate to be the motion by Senator Vognild to reconsider the vote by which the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5024.

The motion by Senator Vognild carried and the Senate commenced reconsideration of the House amendments to Engrossed Substitute Senate Bill No. 5024.

## MOTION

On motion of Senator Vognild, the Senate did not concur in the House amendments to Engrossed Substitute Senate Bill No. 5024 and asks the House to recede therefrom.

There being no objection, the President advanced the Senate to the sixth order of business.

## SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8413, by Senators Metcalf, Warnke, Vognild and Nelson

Establishing the joint select committee on labor-management relations.

The resolution was read the second time.

## MOTION

On motion of Senator Metcalf, the following amendment was adopted:  
On page 2, line 10, after "state" insert "and federal"

## MOTION

On motion of Senator Warnke, the rules were suspended, Engrossed Senate Concurrent Resolution No. 8413 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Concurrent Resolution No. 8413.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Concurrent Resolution No. 8413 and the resolution passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 45.

Excused: Senators McDermott, Sellar, Tanner, Williams - 4.

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8413, having received the constitutional majority, was declared passed.

## SECOND READING

HOUSE BILL NO. 67, by Representatives Rayburn, Nealey, Prince, Kremen, McLean, C. Smith, Fuhrman, Betzoff, Amondson, P. King, Chandler, Hargrove, Lewis and Doty

Exempting the conditioning of seed for out-of-state sales from business and occupation taxation.

The bill was read the second time.

## MOTION

On motion of Senator Hansen, the rules were suspended, House Bill No. 67 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 67.

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 67 and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Vogtild, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 44.

Absent: Senator Benitz - 1.

Excused: Senators McDermott, Sellar, Tanner, Williams - 4.

HOUSE BILL NO. 67, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 88, by Committee on State Government (originally sponsored by Representatives Belcher, H. Sommers, Valle, Vekich, Cantwell, Dellwo, Hankins, Meyers, Holm, Unsoeld, Wang, Niemi, P. King, Fisch and Winsley) (by request of Department of General Administration)

Revising provisions governing personal service contracts.

The bill was read the second time.

## MOTIONS

Senator Halsan moved that the following Committee on Governmental Operations amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 61, Laws of 1979 ex. sess. and RCW 39.29.003 are each amended to read as follows:

It is the intent of this chapter to ~~((provide for a comprehensive legislative review of))~~ establish a policy of open competition for all personal service contracts ~~((negotiated within))~~ entered into by state ~~((government))~~ agencies, unless specifically exempted under this chapter ~~((and to centralize executive supervision of these expenditures by the office of financial management))~~. It is further the intent to provide for legislative and executive review of all personal service contracts negotiated without an open competitive process.

Sec. 2. Section 2, chapter 61, Laws of 1979 ex. sess. as amended by section 1, chapter 263, Laws of 1981 and RCW 39.29.006 are each amended to read as follows:

As used in this chapter:

(1) ~~(((Personal service contract" means an agreement, or any amendment or renewal thereto, with an independent contractor for the rendering of personal services to the state.~~

(2) ~~(((Personal service" means performing a specific study, project, or task which requires professional or technical expertise but does not mean personal service performed for the purpose of routine continuing and necessary services, including but not limited to routine maintenance, operation of the physical plant, security, data entry, key punch services, and graphic design.~~

(3) ~~(((Agency" means any state ((officer)) office or activity of the executive and judicial branches of state government, including state agencies, departments, offices, divisions, boards, commissions, and educational, correctional, and other types of institutions.~~

(2) "Client services" means services provided directly to agency clients including, but not limited to, medical and dental services, employment and training programs, residential care, and subsidized housing.

(3) "Competitive solicitation" means a documented formal process providing an equal and open opportunity to qualified parties and culminating in a selection based on criteria which may include such factors as the consultant's fees or costs, ability, capacity, experience, reputation, responsiveness to time limitations, responsiveness to solicitation requirements, quality of previous performance, and compliance with statutes and rules relating to contracts or services.

(4) "Consultant" means an independent individual or firm contracting with an agency to perform a service or render an opinion or recommendation according to the consultant's methods and without being subject to the control of the agency except as to the result of the work. The agency monitors progress under the contract and authorizes payment.

(5) "Emergency" means a set of unforeseen circumstances beyond the control of the agency that either:

(a) Present a real, immediate threat to the proper performance of essential functions; or  
(b) May result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken.

(6) "Evidence of competition" means documentation demonstrating that the agency has solicited responses from multiple firms in selecting a consultant.

(7) "Personal service" means professional or technical expertise provided by a consultant to accomplish a specific study, project, task, or other work statement. This term does not include purchased services as defined under subsection (9) of this section. This term does include client services.

(8) "Personal service contract" means an agreement, or any amendment thereto, with a consultant for the rendering of personal services to the state.

(9) "Purchased services" means services provided by a vendor to accomplish routine, continuing and necessary functions. This term includes, but is not limited to, services acquired under RCW 43.19.190 or 43.105.041 for equipment maintenance and repair; operation of a physical plant; security; computer hardware and software maintenance; data entry; key punch services; and computer time-sharing, contract programming, and analysis.

(10) "Sole source" means a consultant providing professional or technical expertise of such a unique nature that the consultant is clearly and justifiably the only practicable source to provide the service. The justification shall be based on either the uniqueness of the service or sole availability at the location required.

NEW SECTION, Sec. 3. A new section is added to chapter 39.29 RCW to read as follows:

All personal service contracts shall be entered into pursuant to competitive solicitation, except for:

- (1) Emergency contracts;
- (2) Sole source contracts;
- (3) Contract amendments;

(4) Contracts between a consultant and an agency of less than ten thousand dollars. However, contracts of two thousand five hundred dollars or greater but less than ten thousand dollars shall have documented evidence of competition. Agencies shall not structure contracts to evade these requirements; and

(5) Other specific contracts or classes or groups of contracts exempted from the competitive solicitation process by the director of the office of financial management when it has been determined that a competitive solicitation process is not appropriate or cost-effective.

NEW SECTION, Sec. 4. A new section is added to chapter 39.29 RCW to read as follows:

Emergency contracts shall be filed with the office of financial management and the legislative budget committee and made available for public inspection within three working days following the commencement of work or execution of the contract, whichever occurs first. Documented justification for emergency contracts shall be provided to the office of financial management and the legislative budget committee when the contract is filed.

NEW SECTION, Sec. 5. A new section is added to chapter 39.29 RCW to read as follows:

(1) Sole source contracts shall be filed with the office of financial management and the legislative budget committee and made available for public inspection at least ten working days prior to the proposed starting date of the contract. Documented justification for sole source contracts shall be provided to the office of financial management and the legislative budget committee when the contract is filed.

(2) The office of financial management shall approve sole source contracts of ten thousand dollars or more before any such contract becomes binding and before any services may be performed under the contract. These requirements shall also apply to sole source contracts of less than ten thousand dollars if the total amount of such contracts between an agency and the same consultant is ten thousand dollars or more within a fiscal year.

Sec. 6. Section 2, chapter 191, Laws of 1974 ex. sess. and RCW 39.29.020 are each amended to read as follows:

No state officer or activity of state government subject to this chapter shall expend any funds for personal service contracts ~~((without first complying with the provisions of RCW 39.29.010. Except in cases where filing delay has been authorized under RCW 39.29.010, no contract shall become effective until ten days following the date of filing pursuant to this chapter, or the effective date of the contract whichever is later))~~ unless the agency has complied with the competitive procurement and other requirements of this chapter. The state officer or employee executing the personal service contracts shall be responsible for compliance with the ~~((filing))~~ requirements of this chapter. Failure to comply with the ~~((filing))~~ requirements of this chapter shall subject the state officer or employee to a civil penalty in the amount of three hundred dollars. A consultant who knowingly violates this chapter in seeking or performing work under a personal services contract shall be subject to a civil penalty of three hundred dollars or twenty-five percent of the amount of the contract, whichever is greater. The state auditor is responsible for auditing violations of this chapter. The attorney general is responsible for prosecuting violations of this chapter.

Sec. 7. Section 4, chapter 61, Laws of 1979 ex. sess. as amended by section 3, chapter 33, Laws of 1986 and RCW 39.29.040 are each amended to read as follows:

~~((Except as provided in RCW 39.29.076;))~~ This chapter does not apply to:

(1) Contracts specifying a fee of less than two thousand five hundred dollars if the total of ~~((such))~~ the contracts from that agency with the contractor within a ~~((twelve-month period))~~ fiscal year does not exceed two thousand five hundred dollars;

(2) ~~((Contracts awarded through competitive bids if the bidding follows a formal, documented bid procedure and if the request for bids is advertised through the media normally used by the particular service being sought. PROVIDED: That for management purposes, the office of financial management may require the filing of certain contracts exempted under this subsection;~~

~~((3) Contracts where the contracting agency recognizes that an employee-employer relationship exists;~~

~~((4))~~ Contracts awarded to companies that furnish a service where the tariff is established by the utilities and transportation commission or other public entity;

~~((5))~~ (3) Intergovernmental agreements awarded to any ~~((public corporation))~~ governmental entity, whether federal, state, or local and any department, division, or subdivision thereof; ~~((and~~

~~((6))~~ (4) Contracts awarded for services to be performed for a standard fee, when the standard fee is established by the contracting agency or any other ~~((public corporation))~~ governmental entity and a like contract is available to all qualified applicants;

(5) Contracts for services that are necessary to the conduct of collaborative research if prior approval is granted by the funding source;

(6) Contracts for client services;

(7) Contracts for architectural and engineering services as defined in RCW 39.80.020, which shall be entered into under chapter 39.80 RCW; and

(8) Contracts for the employment of expert witnesses for the purposes of litigation, except that such contracts shall be filed within the same time period as emergency contracts.

NEW SECTION. Sec. 8. A new section is added to chapter 39.29 RCW to read as follows:

To implement this chapter, the director of the office of financial management shall establish procedures for the competitive solicitation and award of personal service contracts, recordkeeping requirements, and procedures for the reporting and filing of contracts. For reporting purposes, the director may establish categories for grouping of contracts. The procedures required under this section shall also include the criteria for amending personal service contracts.

NEW SECTION. Sec. 9. A new section is added to chapter 39.29 RCW to read as follows:

Personal service contracts that establish an employer-employee relationship between the contracting agency and a consultant are hereby prohibited. The procedures required under section 8 of this act shall include criteria to distinguish employer-employee relationships from independent contractor relationships.

NEW SECTION. Sec. 10. A new section is added to chapter 39.29 RCW to read as follows:

As requested by the legislative auditor, the office of financial management shall provide information on contracts filed under this chapter for use in preparation of summary reports on personal services contracts.

Sec. 11. Section 3, chapter 32, Laws of 1969 as last amended by section 1, chapter 103, Laws of 1980 and RCW 43.19.190 are each amended to read as follows:

The director of general administration, through the state purchasing and material control director, shall:

(1) Establish and staff such administrative organizational units within the division of purchasing as may be necessary for effective administration of the provisions of RCW 43.19.190 through 43.19.1939;

(2) Purchase all material, supplies, services, and equipment needed for the support, maintenance, and use of all state institutions, colleges, community colleges, and universities, the offices of the elective state officers, the supreme court, the court of appeals, the administrative

and other departments of state government, and the offices of all appointive officers of the state: PROVIDED, That the provisions of RCW 43.19.190 through 43.19.1937 do not apply in any manner to the operation of the state legislature except as requested by said legislature: PROVIDED, That primary authority for the purchase of specialized equipment, instructional, and research material for their own use shall rest with the colleges, community colleges, and universities: PROVIDED FURTHER, That universities operating hospitals may make purchases for hospital operation by participating in contracts for materials, supplies, and equipment entered into by cooperative hospital service organizations as defined in section 501(e) of the Internal Revenue Code, or its successor: PROVIDED FURTHER, That primary authority for the purchase of materials, supplies, and equipment for resale to other than public agencies shall rest with the state agency concerned: PROVIDED FURTHER, That authority to purchase services as included herein does not apply to personal services (~~authorized for direct acquisition from vendors by state organizations and filed under the provisions of RCW 39.29.010 through 39.29.030~~) as defined in chapter 39.29 RCW, unless such organization specifically requests assistance from the division of purchasing in obtaining personal services and resources are available within the division to provide such assistance: PROVIDED FURTHER, That the authority for the purchase of insurance and bonds shall rest with the risk manager under RCW 43.19.1935 as now or hereafter amended;

(3) Provide the required staff assistance for the state supply management advisory board through the division of purchasing;

(4) Have authority to delegate to state agencies authorization to purchase or sell, which authorization shall specify restrictions as to dollar amount or to specific types of material, equipment, services, and supplies: PROVIDED, That acceptance of the purchasing authorization by a state agency does not relieve such agency from conformance with other sections of RCW 43.19.190 through 43.19.1939, as now or hereafter amended, or from policies established by the director after consultation with the state supply management advisory board: PROVIDED FURTHER, That delegation of such authorization to a state agency, including an educational institution, to purchase or sell material, equipment, services, and supplies shall not be granted, or otherwise continued under a previous authorization, if such agency is not in substantial compliance with overall state purchasing and material control policies as established herein;

(5) Contract for the testing of material, supplies, and equipment with public and private agencies as necessary and advisable to protect the interests of the state;

(6) Prescribe the manner of inspecting all deliveries of supplies, materials, and equipment purchased through the division;

(7) Prescribe the manner in which supplies, materials, and equipment purchased through the division shall be delivered, stored, and distributed;

(8) Provide for the maintenance of a catalogue library, manufacturers' and wholesalers' lists, and current market information;

(9) Provide for a commodity classification system and may, in addition, provide for the adoption of standard specifications after receiving the recommendation of the supply management advisory board;

(10) Provide for the maintenance of inventory records of supplies, materials, and other property;

(11) Prepare rules and regulations governing the relationship and procedures between the division of purchasing and state agencies and vendors;

(12) Publish procedures and guidelines for compliance by all state agencies, including educational institutions, which implement overall state purchasing and material control policies;

(13) Conduct periodic visits to state agencies, including educational institutions, to determine if statutory provisions and supporting purchasing and material control policies are being fully implemented, and based upon such visits, take corrective action to achieve compliance with established purchasing and material control policies under existing statutes when required.

NEW SECTION. Sec. 12. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 191, Laws of 1974 ex. sess., section 44, chapter 151, Laws of 1979, section 3, chapter 61, Laws of 1979 ex. sess. and RCW 39.29.010;

(2) Section 3, chapter 191, Laws of 1974 ex. sess., section 1, chapter 225, Laws of 1981 and RCW 39.29.030;

(3) Section 1, chapter 33, Laws of 1986 and RCW 39.29.060; and

(4) Section 2, chapter 33, Laws of 1986 and RCW 39.29.070.

NEW SECTION. Sec. 13. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 14. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On motion of Senator Nelson, the following amendment by Senators Nelson and Talmadge to the Committee on Governmental Operations amendment was adopted:

On page 10, after line 29, insert the following:

"NEW SECTION, Sec. 11. A new section is added to chapter 39.29 RCW to read as follows:

During a legislative session, any lobbyist registered under chapter 42.17 RCW or any business that has a lobbyist as one of the principal owners or partners, shall not enter into a personal services contract with the legislature, any committee, office, officer, or employee of the legislature, the executive branch, any officer or employee of the executive branch, or any state agency."

Renumber the remaining sections consecutively and correct internal references accordingly

The President declared the question before the Senate to be adoption of the Committee on Governmental Operations amendment, as amended.

The motion by Senator Halsan carried and the committee amendment, as amended, was adopted.

#### MOTION

On motion of Senator Halsan, the following title amendment was adopted:

On page 1, line 1 of the title, after "contracts;" strike the remainder of the title and insert "amending RCW 39.29.003, 39.29.006, 39.29.020, 39.29.040, and 43.19.190; adding new sections to chapter 39.29 RCW; repealing RCW 39.29.010, 39.29.030, 39.29.060, and 39.29.070; and declaring an emergency."

#### MOTION

On motion of Senator Halsan, the rules were suspended, Engrossed Substitute House Bill No. 88, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Patterson: "Senator Talmadge, will this apply to every agency of state government and all institutions?"

Senator Talmadge: "Senator, it will apply to all executive branch agencies of state government."

Senator Patterson: "Only executive branch agencies?"

Senator Talmadge: "It will not apply, as I understand it, to the judicial branches of government, nor the legislative branch of government on the principle of separation of power. Each of those institutions must adopt their own standards for a conflict of interest and so forth that would apply. I believe we have some standards with respect to personal service contracts in the legislative process, as they do in the judiciary."

Senator Patterson: "I am thinking in terms of transportation."

Senator Talmadge: "The committee or the department?"

Senator Patterson: "The commission--the commission of the--not so much the legislative transportation committee, but the commission itself."

Senator Talmadge: "The commission itself, Senator, would be subject to the provisions of this bill."

Senator Patterson: "That falls under the executive branch of government?"

Senator Talmadge: "It does."

#### MOTION

On motion of Senator Zimmerman, Senator Lee was excused.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 88, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 88, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDonald, Metcalf, Moore, Nelson,

Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 44.

Excused: Senators Lee, McDermott, Sellar, Tanner, Williams - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 88, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 110, by Representatives Lewis, Armstrong, Niemi, Padden, Crane, Patrick, Holm, Baugher, Taylor, Miller, Hargrove, Rasmussen, Betrozoff and Doty

Changing provisions relating to the sale of alcohol to minors.

The bill was read the second time.

#### MOTION

On motion of Senator Warnke, the rules were suspended, House Bill No. 110 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 110.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 110 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 44.

Excused: Senators Lee, McDermott, Sellar, Tanner, Williams - 5.

HOUSE BILL NO. 110, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 116, by Committee on Local Government (originally sponsored by Representatives Nutley, Allen, Haugen, May, Ferguson, Bristow, Rayburn and Brough)

Modifying procedures for administrative approval of plats.

The bill was read the second time.

#### MOTIONS

Senator Halsan moved that the following Committee on Governmental Operations amendment be adopted:

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 2, chapter 121, Laws of 1983 and RCW 58.17.040 are each amended to read as follows:

The provisions of this chapter shall not apply to:

- (1) Cemeteries and other burial plots while used for that purpose;
- (2) Divisions of land into lots or tracts each of which is one-one hundred twenty-eighth of a section of land or larger, or five acres or larger if the land is not capable of description as a fraction of a section of land, unless the governing authority of the city, town, or county in which the land is situated shall have adopted a subdivision ordinance requiring plat approval of such divisions: PROVIDED, That for purposes of computing the size of any lot under this item which borders on a street or road, the lot size shall be expanded to include that area which would be bounded by the center line of the road or street and the side lot lines of the lot running perpendicular to such center line;
- (3) Divisions made by testamentary provisions, or the laws of descent;
- (4) Divisions of land into lots or tracts classified for industrial or commercial use when the ~~((governing body of the))~~ city, town, or county has approved a binding site plan for the use of the land in accordance with local regulations(~~(- PROVIDED, That when a binding site plan authorizes a sale or other transfer of ownership of a lot, parcel, or tract, the binding site plan~~).

shall be filed for record in the county auditor's office on each lot, parcel, or tract created pursuant to the binding site plan: PROVIDED FURTHER, That the binding site plan and all of its requirements shall be legally enforceable on the purchaser or other person acquiring ownership of the lot, parcel, or tract: AND PROVIDED FURTHER, That sale or transfer of such a lot, parcel, or tract in violation of the binding site plan, or without obtaining binding site plan approval, shall be considered a violation of chapter 58.17 RCW and shall be restrained by injunctive action and be illegal as provided in chapter 58.17 RCW);

(5) A division for the purpose of lease when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land when the ((governing body of the)) city, town, or county has approved a binding site plan for the use of the land in accordance with local regulations;

(6) A division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site; and

(7) A division which is made by subjecting a portion of a parcel or tract of land to chapter 64.32 RCW if a city, town, or county has approved a binding site plan for all of such land.

NEW SECTION, Sec. 2. A new section is added to chapter 58.17 RCW to read as follows:

A city, town, or county may adopt by ordinance procedures for the divisions of land by use of a binding site plan as an alternative to the procedures required by this chapter. The ordinance shall be limited and only apply to one or more of the following: (1) The use of a binding site plan to divisions for sale or lease of commercially or industrially zoned property as provided in RCW 58.17.040(4); (2) divisions of property for lease as provided for in RCW 58.17.040(5); and (3) divisions of property as provided for in RCW 58.17.040(7). Such ordinance may apply the same or different requirements and procedures to each of the three types of divisions and shall provide for the alteration or vacation of the binding site plan, and may provide for the administrative approval of the binding site plan.

The ordinance shall provide that after approval of the general binding site plan for industrial or commercial divisions subject to a binding site plan, the approval for improvements and finalization of specific individual commercial or industrial lots shall be done by administrative approval.

The binding site plan, after approval, and/or when specific lots are administratively approved, shall be filed with the county auditor with a record of survey. Lots, parcels, or tracts created through the binding site plan procedure shall be legal lots of record. The number of lots, tracts, parcels, sites, or divisions shall not exceed the number of lots allowed by the local zoning ordinances.

All provisions, conditions, and requirements of the binding site plan shall be legally enforceable on the purchaser or any other person acquiring a lease or other ownership interest of any lot, parcel, or tract created pursuant to the binding site plan.

Any sale, transfer, or lease of any lot, tract, or parcel created pursuant to the binding site plan, that does not conform to the requirements of the binding site plan or without binding site plan approval, shall be considered a violation of chapter 58.17 RCW and shall be restrained by injunctive action and be illegal as provided in chapter 58.17 RCW."

On motion of Senator Rasmussen, the following amendment to the Committee on Governmental Operations amendment was adopted:

On page 5, line 10 of the amendment, after "RCW," insert the following:

"Sec. 3. Section 6, chapter 271, Laws of 1969 ex. sess. as amended by section 3, chapter 134, Laws of 1974 ex. sess. and RCW 58.17.060 are each amended to read as follows:

The legislative body of a city, town, or county shall adopt regulations and procedures, and appoint administrative personnel for the summary approval of short plats and short subdivisions, or revision thereof. Such regulations shall be adopted by ordinance and may contain wholly different requirements than those governing the approval of preliminary and final plats of subdivisions and may require surveys and monumentations and shall require filing of a short plat for record in the office of the county auditor: PROVIDED, That such regulations must contain a requirement that land in short subdivisions may not be further divided in any manner within a period of five years without the filing of a final plat: PROVIDED FURTHER, That such regulations are not required to contain a penalty clause as provided in RCW 36.32.120 and may provide for wholly injunctive relief.

Ordinances requiring surveys may permit short plat approval before commencement of the survey, contingent upon completion of the survey, prior to filing the short plat. If the survey reveals a discrepancy in boundary lines, the short plat shall not be given final approval until the discrepancy has been rectified and the title quieted.

NEW SECTION, Sec. 4. A new section is added to chapter 58.17 RCW to read as follows:

No plat shall be approved by any city, town, or county where the survey required under RCW 58.17.060 or 58.17.160 reveals a discrepancy in boundary lines until the discrepancy has been rectified and the title has been quieted."

The President declared the question before the Senate to be adoption of the Committee on Governmental Operations amendment, as amended.

The motion by Senator Halsan carried and the committee amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Halsan, the following title amendments were considered simultaneously and adopted:

On page 1, line 1 of the title, after "plats;" strike the remainder of the title and insert "amending RCW 58.17.040; and adding a new section to chapter 58.17 RCW."

On page 5, line 18 of the title amendment, strike "; and adding a new section" and insert "and 58.17.060; and adding new sections"

On motion of Senator Halsan, the rules were suspended, Substitute House Bill No. 116, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 116, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 116, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 44.

Excused: Senators Lee, McDermott, Sellar, Tanner, Williams - 5.

SUBSTITUTE HOUSE BILL NO. 116, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 163, by Committee on Ways and Means/Appropriations (originally sponsored by Representatives Jacobsen, Ebersole, Appelwick, Brekke, Heavey, Dellwo, Pruitt, Cole, Fisher, Armstrong, O'Brien, H. Sommers, Niemi, Rust, Locke, Nelson, Valle and Winsley)

Compensating school district boards of directors.

The bill was read the second time.

#### MOTIONS

On motion of Senator Gaspard, the following Committee on Education amendment was adopted:

On page 1, line 21, after "resolution" insert ", at a regularly scheduled meeting."

On motion of Senator Gaspard, the following Committee on Education amendment was adopted:

On page 1, line 23, after "from" strike "local" and insert "locally collected excess levy funds"

Senator Saling moved that the following amendment by Senators Saling and Bailey be adopted:

On page 1, line 16, after "district" strike all material down through "made" on page 2, line 4, and insert: "shall be paid, from state funds provided for that purpose, an annual salary of twenty-five thousand dollars"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Saling and Bailey.

The motion by Senator Saling failed and the amendment was not adopted.

#### MOTION

Senator Saling moved that the following amendment by Senators Saling and Bailey be adopted:

On page 2, after line 7, insert the following:

"NEW SECTION. Sec. 3. This act shall take effect on September 1, 1987."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Saling and Bailey.

The motion by Senator Saling carried and the amendment was adopted.

#### MOTION

Senator Saling moved that the following amendment by Senators Saling and Bailey be adopted:

On page 2, line 5, after "in" strike "addition to" and insert "in lieu of"

Debate ensued.

#### POINT OF INQUIRY

Senator Talmadge: "Senator Saling, what I am struggling with, with respect to this amendment, in the policy we are attempting to generate here, would you be supportive of a similar policy if it were to apply to port commissioners or community college presidents?"

Senator Saling: "I think it would be certainly appropriate for community college board of directors, because that is the way it is for them now. Port districts, I understand, are operated in a different manner. They are an organization that tries to create some economic development for the area in which they operate and I think that's fine for those. For a school board member, it is a voluntary position. People who are interested in school boards--who would want to serve and give of their time, the same as a service club--a person who wants to join a service club and provide some service for the community, that's the purpose of the school boards and service clubs. Port districts are a different thing. I do, however, agree with you, Senator Talmadge, that community college boards of trustees should be operated in the same manner that I am suggesting here."

Senator Talmadge: "I think my question was for community college presidents or, perhaps, even citizen legislators."

Senator Saling: "Well, Senator Talmadge, a community college president would be equal in service and in task to a school superintendent--that is a paid administrative position. Now, we are talking about school boards who are elected to that position, or community college trustees who are appointed by the Governor for the same function, to determine policy."

The President declared the question before the Senate to be adoption of the amendment by Senators Saling and Bailey.

The motion by Senator Saling failed and the amendment was not adopted.

#### MOTION

Senator Saling moved that the following amendments by Senators Saling and Bailey be considered simultaneously and adopted:

On page 2, following line 7, insert the following:

"NEW SECTION. Sec. 3. This act shall take effect if funds are appropriated in the state operating appropriations act for the 1987-1989 biennium for the purposes of this act. If funds are not so appropriated for the purposes of this act, this act shall be null and void in its entirety."

On page 1, line 23, strike "local"

Debate ensued.

#### MOTION

Senator Gaspard moved that the question be divided.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Gaspard that the question be divided.

The motion by Senator Gaspard carried and the question was divided.

The President declared the question before the Senate to be adoption of the first amendment by Senators Saling and Bailey on page 2, line 7.

Debate ensued.

Senator Saling demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Saling and Bailey on page 2, line 7.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Saling failed and the amendment was not adopted by the following vote: Yeas, 18; nays, 26; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Craswell, Deccio, Hayner, Johnson, Metcalf, Newhouse, Patterson, Pullen, Saling, Stratton, von Reichbauer, West, Zimmerman - 18.

Voting nay: Senators Bauer, Bender, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kiskaddon, Kreidler, McCaslin, McDonald, Moore, Nelson, Owen, Peterson, Rasmussen, Rinehart, Smitherman, Talmadge, Vognild, Warnke, Wojahn - 26.

Excused: Senators Lee, McDermott, Sellar, Tanner, Williams - 5.

#### MOTION

On motion of Senator Saling, and there being no objection, the second amendment by Senators Saling and Bailey on page 1, line 23, was withdrawn.

#### MOTION

On motion of Senator Gaspard, the rules were suspended, Second Substitute House Bill No. 163, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Patterson: "Senator Gaspard, I think you understand our school system as well as anyone on the floor. Would you identify local funds, if you do not pass levies that could be utilized to pay the compensation referred to in this bill? My problem is the question that was just raised by Senator Bailey and I think through question and answer we ought to be able to advise our school boards as to where they get the money in the event they don't pass the local levies."

Senator Gaspard: "Senator Patterson, the bill as it is now worded says, 'from local money' which the interpretation would be from excess levy money if approved by the voters. I would also interpret that to mean any type of gifts of money, fund raisers specifically for that purpose, would also qualify. Just let me add one other thing, Senator Patterson, I was not particularly a fan of this bill at the very beginning until I did a little bit of research and found out that all of our community college boards are in the category of receiving compensation of up to \$4,800 a year, which this would do. All of our four year institution boards of trustees, having the same benefit--the State Board for Community Colleges, the HEC Board. When I looked, the group that was left out was the local school boards and that's why I decided to support the bill."

Senator Patterson: "Senator, I am trying to have us identify through this dialogue for those districts that do not pass special levies and there are forty-three of them, as I understand it, in the state of Washington that do not have special levies--excess levy monies. What I am trying to do is see that they have an equal opportunity to address this bill. What would be a source of money other than contributions? You know, not very many people contribute and I just want to have those school districts that do not have special levies understand from us where we think they can find local monies for the purpose of compensating their school directors?"

Senator Gaspard: "Senator Patterson, as I mentioned before, with the local levies, gifts, grants, local fund raising activities. Beyond that, I don't know what would be included, because what we are trying to exclude is basic education money."

Further debate ensued.

#### MOTION

On motion of Senator Zimmerman, Senator Metcalf was excused.

The President declared the question before the Senate to be the roll call on final passage of Second Substitute House Bill No. 163, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of Second Substitute House Bill No. 163, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 25; nays, 18; absent, 1; excused, 5.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Moore, Owen, Peterson, Rasmussen, Rinehart, Smitherman, Talmadge, Vognil, von Reichbauer, Warnke, Wojahn - 25.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Decchio, Hansen, Hayner, Johnson, Newhouse, Patterson, Pullen, Saling, Stratton, West, Zimmerman - 18.

Absent: Senator Nelson - 1.

Excused: Senators McDermott, Metcalf, Sellar, Tanner, Williams - 5.

SECOND SUBSTITUTE HOUSE BILL NO. 163, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 217, by Committee on Judiciary (originally sponsored by Representatives Armstrong, Patrick, Hine, Lewis, Locke, Scott, P. King, Wang, Ferguson, Niemi, Ballard and Crane)

Revising various provisions affecting superior courts.

The bill was read the second time.

## MOTIONS

On motion of Senator Talmadge, the following amendment was adopted:

On page 4, after line 36, insert the following:

\*Sec. 6. Section 3, chapter 259, Laws of 1957 as amended by section 1, chapter 132, Laws of 1981 and RCW 2.56.030 are each amended to read as follows:

The administrator for the courts shall, under the supervision and direction of chief justice:

(1) Examine the administrative methods and systems employed in the offices of the judges, clerks, stenographers, and employees of the courts and make recommendations, through the chief justice, for the improvement of the same;

(2) Examine the state of the dockets of the courts and determine the need for assistance by any court;

(3) Make recommendations to the chief justice relating to the assignment of judges where courts are in need of assistance and carry out the direction of the chief justice as to the assignments of judges to counties and districts where the courts are in need of assistance;

(4) Collect and compile statistical and other data and make reports of the business transacted by the courts and transmit the same to the chief justice to the end that proper action may be taken in respect thereto;

(5) Prepare and submit budget estimates of state appropriations necessary for the maintenance and operation of the judicial system and make recommendations in respect thereto;

(6) Collect statistical and other data and make reports relating to the expenditure of public moneys, state and local, for the maintenance and operation of the judicial system and the offices connected therewith;

(7) Obtain reports from clerks of courts in accordance with law or rules adopted by the supreme court of this state on cases and other judicial business in which action has been delayed beyond periods of time specified by law or rules of court and make report thereof to supreme court of this state;

(8) Act as secretary of the judicial conference referred to in RCW 2.56.060;

(9) Formulate and submit to the judicial council of this state recommendations of policies for the improvement of the judicial system; ~~((and))~~

(10) Submit annually, as of February 1st, to the chief justice and the judicial council, a report of the activities of the administrator's office for the preceding calendar year;

(11) Administer programs and standards for the training and education of judicial personnel;

(12) Examine the need for new superior court and district judge positions under a weighted caseload analysis that takes into account the time required to hear all the cases in a particular court and the amount of time existing judges have available to hear cases in that court. The results of the weighted caseload analysis shall be reviewed by the board for judicial administration and the judicial council, both of which shall make recommendations to the legislature by January 1, 1989. It is the intent of the legislature that weighted caseload analysis become the basis for creating additional district court positions, and recommendations should address that objective; and

(13) Attend to such other matters as may be assigned by the supreme court of this state."

On motion of Senator Talmadge, the following title amendment was adopted:

On page 1, line 2 of the title, after "36.23.030," strike "and 36.48.090" and insert "36.48.090, and 2.56.030"

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute House Bill No. 217, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 217, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 217, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 44.

Excused: Senators McDermott, Metcalf, Sellar, Tanner, Williams - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 217, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President returned the Senate to the fourth order of business.

#### MESSAGE FROM THE HOUSE

April 7, 1987

Mr. President:

The House has passed SENATE BILL NO. 5564 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 35.82 RCW to read as follows:

A housing authority created under this chapter and activated by a resolution by the governing body of a city, town, or county may be deactivated by a resolution by the city, town, or county. The findings listed in RCW 35.82.030 to activate the housing authority shall be considered prior to deactivating the housing authority. For the sole purposes of winding up the affairs of a deactivated housing authority, the governing body of the city, town, or county may exercise any power granted to a housing authority under this chapter.

NEW SECTION. Sec. 2. A new section is added to chapter 35.82 RCW to read as follows:

The assets of an authority in the process of deactivation shall be applied and distributed as follows:

(1) All liabilities and obligations of the authority shall be paid, satisfied, and discharged, or adequate provision shall be made therefor;

(2) Assets held by the authority upon condition requiring return, transfer, or conveyance, which condition occurs by reason of the deactivation shall be returned, transferred, or conveyed in accordance with such requirements;

(3) Assets received and held by the authority subject to limitations permitting their use only for activities purposes contained in RCW 35.82.070, but not held upon a condition requiring return, transfer, or conveyance by reason of the deactivation, shall be transferred or conveyed to the governing body of the city, town, or county and used to engage in activities contained in RCW 35.82.070;

(4) Other assets, if any, shall be returned to the governing body of the city, town, or county for uses allowed under state law."

On page 1, line 1 of the title, after "authorities;" strike the remainder of the title and insert "and adding new sections to chapter 35.82 RCW."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

Senator Vognlid moved that the Senate do concur in the House amendments to Senate Bill No. 5564.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Vognlid that the Senate do concur in the House amendments to Senate Bill No. 5564.

The motion by Senator Vognild carried and the Senate concurred in the House amendments to Senate Bill No. 5564.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5564, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5564, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 45.

Excused: Senators McDermott, Sellar, Tanner, Williams - 4.

SENATE BILL NO. 5564, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5047,

SENATE BILL NO. 5051,

SUBSTITUTE SENATE BILL NO. 5179,

SUBSTITUTE SENATE BILL NO. 5254,

SUBSTITUTE SENATE BILL NO. 5389,

SUBSTITUTE SENATE BILL NO. 5688,

SUBSTITUTE SENATE BILL NO. 5779.

There being no objection, the President reverted the Senate to the third order of business.

MESSAGE FROM THE GOVERNOR

April 10, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:

I have the honor to advise you that on April 10, 1987, Governor Gardner approved the following Senate Bill entitled:

Senate Bill No. 5955

Relating to public ownership of professional sports franchises.

Sincerely,

TERRY SEBRING, Legal Counsel to the Governor

MOTION

At 5:07 p.m., on motion of Senator Vognild, the Senate adjourned until 9:00 a.m., Monday, April 13, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## NINETY-SECOND DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Monday, April 13, 1987

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Barr, Bender, McDermott, Moore, Tanner and West. On motion of Senator Vognild, Senators Bender, McDermott and Tanner were excused.

The Sergeant at Arms Color Guard, consisting of Pages Katrina Moudy and Jason Noel, presented the Colors. Reverend Ronald W. Hastie, pastor of the Evergreen Christian Center of Olympia, offered the prayer.

#### MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

There being no objection, the President advanced the Senate to the sixth order of business.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 188, by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Fisher, Barnes, Pruitt and Unsoeld) (by request of Secretary of State)

Specifying the time for filing initiatives and referendums.

The bill was read the second time.

#### MOTION

On motion of Senator Halsan, the rules were suspended, Substitute House Bill No. 188 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 188.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 188 and the bill passed the Senate by the following vote: Yeas, 43; absent, 3; excused, 3.

Voting yea: Senators Anderson, Bailey, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Absent: Senators Barr, Moore, West - 3.

Excused: Senators Bender, McDermott, Tanner - 3.

SUBSTITUTE HOUSE BILL NO. 188, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 194, by Representatives Madsen, Ebersole, Haugen, Winsley, Wang, Walker, Walk, Fisher, Gallagher, Brough, Crane, Grimm, Pruitt, Meyers, Rasmussen and Todd

Changing provision relating to designation of park district treasurers.

The bill was read the second time.

## MOTION

On motion of Senator Halsan, the rules were suspended, House Bill No. 194 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 194.

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 194 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Bender, McDermott, Tanner - 3.

HOUSE BILL NO. 194, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 197, by Representatives Madsen, Taylor, Sprenkle, Holland, Sayan and Winsley (by request of Department of Revenue)

Clarifying adjustments in the state property tax levy.

The bill was read the second time.

## MOTION

On motion of Senator Vognild, the rules were suspended, House Bill No. 197 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 197.

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 197 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Bender, Tanner - 2.

HOUSE BILL NO. 197, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 199, by Representatives Sayan, Taylor, Sprenkle and Holland (by request of Department of Revenue)

Modifying timber excise tax administrative provisions.

The bill was read the second time.

## MOTION

On motion of Senator McDermott, the rules were suspended, House Bill No. 199 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 199

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 199 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vogniild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Bender, Tanner - 2.

HOUSE BILL NO. 199, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 200, by Representative Madsen (by request of Department of Revenue)

Clarifying the public utility tax on sewerage collection businesses.

The bill was read the second time.

## MOTION

On motion of Senator McDermott, the rules were suspended, House Bill No. 200 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 200.

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 200 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vogniild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Bender, Tanner - 2.

HOUSE BILL NO. 200, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 203, by Representative Madsen (by request of Department of Revenue)

Authorizing service by certified mail, return receipt requested, of notices to withhold and deliver property due or owned by a taxpayer.

The bill was read the second time.

## MOTION

On motion of Senator McDermott, the rules were suspended, House Bill No. 203 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 203.

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 203 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman.

Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Bender, Tanner - 2.

HOUSE BILL NO. 203, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 248, by Representatives Patrick, Gallagher, D. Sommers, Zellinsky, Walk, C. Smith, Schmidt, Prince, B. Williams, Hankins, Haugen, Day, Kremen, L. Smith, Moyer and Miller

Increasing state patrol retirement allowances of certain surviving spouses.

The bill was read the second time.

#### MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed House Bill No. 248 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 248.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 248 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Bender, Tanner - 2.

ENGROSSED HOUSE BILL NO. 248, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President reverted the Senate to the fourth order of business.

#### MESSAGES FROM THE HOUSE

April 6, 1987

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5106,

SENATE BILL NO. 5139,

SUBSTITUTE SENATE BILL NO. 5312,

SENATE BILL NO. 5415,

SENATE BILL NO. 5541,

SUBSTITUTE SENATE BILL NO. 5830, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 10, 1987

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5047,

SENATE BILL NO. 5051,

SUBSTITUTE SENATE BILL NO. 5179,

SUBSTITUTE SENATE BILL NO. 5254,

SUBSTITUTE SENATE BILL NO. 5389,

SUBSTITUTE SENATE BILL NO. 5688,

SUBSTITUTE SENATE BILL NO. 5779, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 10, 1987

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 42,

SUBSTITUTE HOUSE BILL NO. 60,

SUBSTITUTE HOUSE BILL NO. 298,

SUBSTITUTE HOUSE BILL NO. 424,

SUBSTITUTE HOUSE BILL NO. 522,

HOUSE BILL NO. 658,

HOUSE BILL NO. 1090, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5299,

SECOND SUBSTITUTE SENATE BILL NO. 5515.

There being no objection, the President returned the Senate to the sixth order of business.

#### SECOND READING

HOUSE BILL NO. 374, by Representatives Rasmussen, Rayburn, McLean, Todd, Madsen, Holm, Grant, Vekich, Bristow, Pruitt, Moyer, Walker, Baugher, Nealey, Spanel, P. King, Jesernig and Doty

Authorizing the director of agriculture to regulate the sale, distribution and use of veterinary biologics.

The bill was read the second time.

#### MOTION

On motion of Senator Hansen, the rules were suspended, House Bill No. 374 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 374.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 374 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Haisan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Bender, Tanner - 2.

HOUSE BILL NO. 374, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Vognild, the Senate commenced consideration of House Bill No. 261.

#### SECOND READING

HOUSE BILL NO. 261, by Representatives Walk, Schmidt, Fisch, P. King and J. Williams (by request of Department of Licensing)

Revising state centennial license plate act.

The bill was read the second time.

## MOTION

On motion of Senator Vognild, the rules were suspended, House Bill No. 261 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 261.

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 261 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senator Talmadge - 1.

Excused: Senators Bender, Tanner - 2.

HOUSE BILL NO. 261, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 364, by Committee on Commerce and Labor (originally sponsored by Representatives Wang and Doty)

Changing provisions relating to contractor registration and disclosure.

The bill was read the second time.

## MOTIONS

On motion of Senator Warnke, the following Committee on Commerce and Labor amendments were considered simultaneously and adopted:

On page 1, line 6, before "contract" insert "bid or"

On page 1, line 6, after "more" delete ", or on any written bid or contract of any amount."

On motion of Senator Warnke, the rules were suspended, Substitute House Bill No. 364, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Talmadge: "Senator Warnke, I took a look, I guess, at the committee amendment. As I understood it, the original bill that came to us from the House said that on a written contract of any amount or written bid of any amount that this disclosure statement was required. The committee amendment says that if it's a contract or bid of one thousand dollars or more, the disclosure statement is required. For the small householder--the consumer who is impacted by this situation, what protection do they have? Isn't this disclosure statement that which was designed to protect the small householder from problems with the contractor?"

Senator Warnke: "The protections are still there under the law. The only difference would be that the contractor does not disclose with a disclosure statement at the time of the bid for those bids that are under \$1,000. The protections of the Department are still there to file the liens."

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 364, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 364, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 30; nays, 17; excused, 2.

Voting yea: Senators Anderson, Bailey, Bauer, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kiskaddon, Kreidler, McDermott, Metcalf, Moore, Nelson, Owen, Peterson, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Vognild, Warnke, West, Williams, Wojahn - 30.

Voting nay: Senators Barr, Benitz, Bluechel, Craswell, Deccio, Hayner, Johnson, Lee, McCaslin, McDonald, Newhouse, Patterson, Pullen, Saling, Sellar, von Reichbauer, Zimmerman - 17.

Excused: Senators Bender, Tanner - 2.

SUBSTITUTE HOUSE BILL NO. 364, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 430, by Committee on Trade and Economic Development (originally sponsored by Representatives Fisch, Jacobsen, B. Williams, Schoon, Lux, P. King, Day, Kremen, Basich, Unsoeld, Pruitt and Hargrove)

Authorizing creation of employee cooperatives.

The bill was read the second time.

## MOTIONS

On motion of Senator Smitherman, the following Committee on Commerce and Labor amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. This chapter may be cited as the employee cooperative corporations act.

NEW SECTION, Sec. 2. For the purposes of this chapter, the terms defined in this section have the meanings given:

(1) "Employee cooperative" means a corporation that has elected to be governed by the provisions of this chapter.

(2) "Member" means a natural person who has been accepted for membership in, and owns a membership share issued by an employee cooperative.

(3) "Patronage" means the amount of work performed as a member of an employee cooperative, measured in accordance with the articles of incorporation and bylaws.

(4) "Written notice of allocation" means a written instrument which discloses to a member the stated dollar amount of the member's patronage allocation, and the terms for payment of that amount by the employee cooperative.

NEW SECTION, Sec. 3. Any corporation organized under the laws of this state may elect to be governed as an employee cooperative under the provisions of this chapter, by so stating in its articles of incorporation, or articles of amendment filed in accordance with Title 23A RCW.

A corporation so electing shall be governed by all provisions of Title 23A RCW, except chapter 23A.20 RCW, and except as otherwise provided in this chapter.

NEW SECTION, Sec. 4. An employee cooperative may revoke its election under this chapter by a vote of two-thirds of the members and through articles of amendment filed with the secretary of state in accordance with chapter 23A.16 RCW.

NEW SECTION, Sec. 5. An employee cooperative may include the word "cooperative" or "co-op" in its corporate name.

NEW SECTION, Sec. 6. (1) The articles of incorporation or the bylaws shall establish qualifications and the method of acceptance and termination of members. No person may be accepted as a member unless employed by the employee cooperative on a full-time or part-time basis.

(2) An employee cooperative shall issue a class of voting stock designated as "membership shares." Each member shall own only one membership share, and only members may own these shares.

(3) Membership shares shall be issued for a fee as determined from time to time by the directors. RCW 23A.08.140 and 23A.08.200 do not apply to such membership shares.

Members of an employee cooperative shall have all the rights and responsibilities of stockholders of a corporation organized under Title 23A RCW, except as otherwise provided in this chapter.

NEW SECTION, Sec. 7. (1) No capital stock other than membership shares shall be given voting power in an employee cooperative, except as otherwise provided in this chapter, or in the articles of incorporation.

(2) The power to amend or repeal bylaws of an employee cooperative shall be in the members only.

(3) Except as otherwise permitted by RCW 23A.16.030, no capital stock other than membership shares shall be permitted to vote on any amendment to the articles of incorporation.

NEW SECTION, Sec. 8. (1) The net earnings or losses of an employee cooperative shall be apportioned and distributed at the times and in the manner as the articles of incorporation or bylaws shall specify. Net earnings declared as patronage allocations with respect to a period of time, and paid or credited to members, shall be apportioned among the members in

accordance with the ratio which each member's patronage during the period involved bears to total patronage by all members during that period.

(2) The apportionment, distribution, and payment of net earnings required by subsection (1) of this section may be in cash, credits, written notices of allocation, or capital stock issued by the employee cooperative.

**NEW SECTION, Sec. 9.** (1) Any employee cooperative may establish through its articles of incorporation or bylaws a system of internal capital accounts to reflect the book value and to determine the redemption price of membership shares, capital stock, and written notices of allocation.

(2) The articles of incorporation or bylaws of an employee cooperative may permit the periodic redemption of written notices of allocation and capital stock, and must provide for recall and redemption of the membership share upon termination of membership in the cooperative. No redemption shall be made if redemption would result in a violation of RCW 23A.08.020.

(3) The articles of incorporation or bylaws may provide for the employee cooperative to pay or credit interest on the balance in each member's internal capital account.

(4) The articles of incorporation or bylaws may authorize assignment of a portion of retained net earnings and net losses to a collective reserve account. Earnings assigned to the collective reserve account may be used for any and all corporate purposes as determined by the board of directors.

**NEW SECTION, Sec. 10.** (1) An internal capital account cooperative is an employee cooperative whose entire net book value is reflected in internal capital accounts, one for each member, and a collective reserve account, and in which no persons other than members own capital stock. In an internal capital account cooperative, each member shall have one and only one vote in any matter requiring voting by stockholders.

(2) An internal capital account cooperative shall credit the paid-in membership fee and additional paid-in capital of a member to the member's internal capital account, and shall also record the apportionment of retained net earnings or net losses to the members in accordance with patronage by appropriately crediting or debiting the internal capital accounts of members. The collective reserve account in an internal capital account cooperative shall reflect any paid-in capital, net losses, and retained net earnings not allocated to individual members.

(3) In an internal capital account cooperative, the balances in all the individual internal capital accounts and collective reserve account, if any, shall be adjusted at the end of each accounting period so that the sum of the balances is equal to the net book value of the employee cooperative.

**NEW SECTION, Sec. 11.** (1) When any employee cooperative revokes its election in accordance with section 4 of this act, the articles of amendment shall provide for conversion of membership shares and internal capital accounts or their conversion to securities or other property in a manner consistent with Title 23A RCW.

(2) An employee cooperative that has not revoked its election under this chapter may not consolidate or merge with another corporation other than an employee cooperative. Two or more employee cooperatives may consolidate or merge in accordance with chapter 23A.20 RCW.

**NEW SECTION, Sec. 12.** Sections 1 through 11 of this act shall constitute a new chapter in Title 23 RCW.

Sec. 13. Section 32, chapter 282, Laws of 1959 as last amended by section 1, chapter 90, Laws of 1986 and RCW 21.20.320 are each amended to read as follows:

The following transactions are exempt from RCW 21.20.040 through 21.20.300 except as expressly provided:

(1) Any isolated transaction, or sales not involving a public offering, whether effected through a broker-dealer or not; or any transaction effected in accordance with any rule by the director establishing a nonpublic offering exemption pursuant to this subsection where registration is not necessary or appropriate in the public interest or for the protection of investors.

(2) Any nonissuer distribution of an outstanding security by a registered broker-dealer if (a) a recognized securities manual contains the names of the issuer's officers and directors, a balance sheet of the issuer as of a date within eighteen months, and a profit and loss statement for either the fiscal year preceding that date or the most recent year of operations, or (b) the security has a fixed maturity or a fixed interest or dividend provision and there has been no default during the current fiscal year or within the three preceding fiscal years, or during the existence of the issuer and any predecessors if less than three years, in the payment of principal, interest, or dividends on the security.

(3) Any nonissuer transaction effected by or through a registered broker-dealer pursuant to an unsolicited order or offer to buy; but the director may by rule require that the customer acknowledge upon a specified form that the sale was unsolicited, and that a signed copy of each such form be preserved by the broker-dealer for a specified period.

(4) Any transaction between the issuer or other person on whose behalf the offering is made and an underwriter, or among underwriters.

(5) Any transaction in a bond or other evidence of indebtedness secured by a real or chattel mortgage or deed of trust, or by an agreement for the sale of real estate or chattels, if the entire mortgage, deed of trust, or agreement, together with all the bonds or other evidences of indebtedness secured thereby, is offered and sold as a unit.

(6) Any transaction by an executor, administrator, sheriff, marshal, receiver, trustee in bankruptcy, guardian, or conservator.

(7) Any transaction executed by a bona fide pledgee without any purpose of evading this chapter.

(8) Any offer or sale to a bank, savings institution, trust company, insurance company, investment company as defined in the Investment Company Act of 1940, pension or profit-sharing trust, or other financial institution or institutional buyer, or to a broker-dealer, whether the purchaser is acting for itself or in some fiduciary capacity.

(9) Any transaction pursuant to an offering not exceeding five hundred thousand dollars effected in accordance with any rule by the director if the director finds that registration is not necessary in the public interest and for the protection of investors.

(10) Any offer or sale of a preorganization certificate or subscription if (a) no commission or other remuneration is paid or given directly or indirectly for soliciting any prospective subscriber, (b) the number of subscribers does not exceed ten, and (c) no payment is made by any subscriber.

(11) Any transaction pursuant to an offer to existing security holders of the issuer, including persons who at the time of the transaction are holders of convertible securities, nontransferable warrants, or transferable warrants exercisable within not more than ninety days of their issuance, if (a) no commission or other remuneration (other than a standby commission) is paid or given directly or indirectly for soliciting any security holder in this state, or (b) the issuer first files a notice specifying the terms of the offer and the director does not by order disallow the exemption within the next five full business days.

(12) Any offer (but not a sale) of a security for which registration statements have been filed under both this chapter and the Securities Act of 1933 if no stop order or refusal order is in effect and no public proceeding or examination looking toward such an order is pending under either act.

(13) The issuance of any stock dividend, whether the corporation distributing the dividend is the issuer of the stock or not, if nothing of value is given by stockholders for the distribution other than the surrender of a right to a cash dividend where the stockholder can elect to take a dividend in cash or stock.

(14) Any transaction incident to a right of conversion or a statutory or judicially approved reclassification, recapitalization, reorganization, quasi reorganization, stock split, reverse stock split, merger, consolidation, or sale of assets.

(15) The offer or sale by a registered broker-dealer, or a person exempted from the registration requirements pursuant to RCW 21.20.040, acting either as principal or agent, of securities previously sold and distributed to the public: PROVIDED, That:

(a) Such securities are sold at prices reasonably related to the current market price thereof at the time of sale, and, if such broker-dealer is acting as agent, the commission collected by such broker-dealer on account of the sale thereof is not in excess of usual and customary commissions collected with respect to securities and transactions having comparable characteristics;

(b) Such securities do not constitute the whole or a part of an unsold allotment to or subscription or participation by such broker-dealer as an underwriter of such securities or as a participant in the distribution of such securities by the issuer, by an underwriter or by a person or group of persons in substantial control of the issuer or of the outstanding securities of the class being distributed; and

(c) The security has been lawfully sold and distributed in this state or any other state of the United States under this or any act regulating the sale of such securities.

~~(16) (Any transactions by a mutual or cooperative association issuing to its patrons any receipt, written notice, certificate of indebtedness, or stock for a patronage dividend, or for contributions to capital by such patrons in the association if any such receipt, written notice, or certificate made pursuant to this paragraph is nontransferable except in the case of death or by operation of law and so states conspicuously on its face:~~

~~(17))~~ Any transaction effected in accordance with any rule adopted by the director establishing a limited offering exemption which furthers objectives of compatibility with federal exemptions and uniformity among the states, provided that in adopting any such rule the director may require that no commission or other remuneration be paid or given to any person, directly or indirectly, for effecting sales unless the person is registered under this chapter as a broker-dealer or salesperson.

NEW SECTION. Sec. 14. The intent of the legislature in amending RCW 21.20.320 is to except from chapter 21.20 RCW membership shares in cooperatives that are organized under cooperative principles. The securities division of the department of licensing shall retain its authority to investigate organizations purporting to be cooperatives to ensure that such organizations are

organized and operating under cooperative principles. The legislature finds that such cooperative principles include, but are not limited to: (1) Nontransferability of membership interests, except in the case of death, operation of law, or redemption by the cooperative; (2) no profits paid to such membership interests; and (3) each member in the cooperative has voting rights on the basis of one vote per member.

**NEW SECTION.** Sec. 15. A new section is added to chapter 43.63A RCW to read as follows:

(1) The department of community development shall integrate an employee ownership program within its existing technical assistance programs. The employee ownership program shall provide technical assistance to cooperatives authorized under sections 1 through 11 of this act and conduct educational programs on employee ownership and self-management. The department shall include information on the option of employee ownership wherever appropriate in its various programs.

(2) The director of the department shall form an employee ownership advisory panel to assist in the development of the employee ownership program. The panel shall consist of representatives of educational institutions; local, regional, and national cooperative and employee-ownership organizations; employee-owned cooperatives; firms with employee stock ownership plans; and associate development organizations.

(3) The department shall maintain a list of firms and individuals with expertise in the field of employee ownership and utilize such firms and individuals, as appropriate, in delivering and coordinating the delivery of technical, managerial, and educational services. In addition, the department shall work with and rely on the services of the department of trade and economic development, the employment security department, and state institutions of higher education to promote employee ownership.

(4) The department shall report to the governor, the trade and economic development committee of the house of representatives, the commerce and labor committee of the senate, and the ways and means committees of each house by December 1 of 1988, and each year thereafter, on the accomplishments of the employee-ownership program. Such reports shall include the number and types of firms assisted, the number of jobs created by such firms, the types of services, the number of workshops presented, the number of employees trained, and the results of client satisfaction surveys distributed to those using the services of the program.

(5) For purposes of this section, an employee stock ownership plan qualifies as a cooperative if at least fifty percent, plus one share, of its voting shares of stock are voted on a one-person-one-vote basis.

**NEW SECTION.** Sec. 16. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On motion of Senator Smitherman, the following title amendment was adopted:

On page 1, line 2 of the title, after "corporations;" insert "amending RCW 21.20.320; adding a new chapter to Title 23 RCW; adding a new section to chapter 43.63A RCW; and creating a new section."

#### MOTION

On motion of Senator Smitherman, the rules were suspended, Substitute House Bill No. 430, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 430, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 430, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Metcalf - 1.

Excused: Senators Bender, Tanner - 2.

**SUBSTITUTE HOUSE BILL NO. 430**, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 480, by Committee on Ways and Means/Appropriations (originally sponsored by Representatives Brekke, Winsley, Moyer, Scott, Wang, Leonard and Brough (by request of Department of Social and Health Services)

Providing protection for Indian children.

The bill was read the second time.

## MOTION

On motion of Senator Wojahn, the rules were suspended, Second Substitute House Bill No. 480 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Newhouse: "Senator Wojahn, do I understand this bill that the state will now pay, under the provisions of this bill, for the foster home care of Indian children who are in homes not licensed or regulated by the state of Washington?"

Senator Wojahn: "Yes, wherever possible, Indian children will be placed in foster homes with the ethnic minority of their own race and they are not licensed."

Senator Newhouse: "The only regulation is by the tribe?"

Senator Wojahn: "The regulation will be under the federal act, so there would be no need to license the homes according to the Department of Social and Health Services."

## POINT OF INQUIRY

Senator Deccio: "Senator Wojahn, I thought--it was my understanding in committee--that the Indian tribes would find and license the foster homes. Was I incorrect in that?"

Senator Wojahn: "The Indian tribe?"

Senator Deccio: "That the tribe would have the responsibility--"

Senator Wojahn: "They would have the responsibility for the placement of the children. It comes under the federal act which does supercede the state act, but we should modify our act to follow the federal act and we can lose federal funds if we do not do that."

The President declared the question before the Senate to be the roll call on final passage of Second Substitute House Bill No. 480.

## ROLL CALL

The Secretary called the roll on final passage of Second Substitute House Bill No. 480 and the bill passed the Senate by the following vote: Yeas, 33; nays, 13; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Bauer, Bluechel, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McDermott, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rinehart, Smitherman, Stratton, Talmadge, Warnke, West, Williams, Wojahn - 33.

Voting nay: Senators Barr, Benitz, Cantu, Hayner, McCaslin, McDonald, Metcalf, Pullen, Rasmussen, Saling, Vognild, von Reichbauer, Zimmerman - 13.

Absent: Senator Sellar - 1.

Excused: Senators Bender, Tanner - 2.

SECOND SUBSTITUTE HOUSE BILL NO. 480, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 10:02 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 11:22 a.m. by President Cherberg.

## MOTION

At 11:22 a.m., on motion of Senator Vognild, the Senate recessed until 1:30 p.m.

## AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Cherberg.

There being no objection, the President returned the Senate to the fourth order of business.

## MESSAGES FROM THE HOUSE

April 10, 1987

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 404, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 10, 1987

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 527, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

There being no objection, the President reverted the Senate to the third order of business.

MESSAGES FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

March 19, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

John Reynolds, appointed March 19, 1987, for a term ending at the Governor's pleasure, as Director of the Department of Veterans Affairs.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

March 30, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Anne Cox, reappointed March 30, 1987, for a term ending January 31, 1989, as a member of the Interagency Committee for Outdoor Recreation.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Parks and Ecology.

March 30, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

David L. Crouch, appointed March 30, 1987, for a term ending September 30, 1991, as a member of the Board of Trustees for Pierce Community College, District No. 11.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Education.

March 30, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Ralph E. Mackey, reappointed March 30, 1987, for a term ending January 31, 1988, as a member of the Interagency Committee for Outdoor Recreation.

Sincerely,  
BOOTH GARDNER, Governor

Referred to Committee on Parks and Ecology.

#### MOTIONS

On motion of Senator Metcalf, Senator Hayner was excused.

On motion of Senator Bender, Senators Peterson and Stratton were excused.

There being no objection, the President advanced the Senate to the sixth order of business.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 732, by Committee on State Government (originally sponsored by Representatives H. Sommers, B. Williams and Belcher) (by request of Office of State Auditor)

Revising provisions of the audit services revolving fund.

The bill was read the second time.

#### MOTION

On motion of Senator Vognild, the rules were suspended, Substitute House Bill No. 732 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 732.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 732 and the bill passed the Senate by the following vote: Yeas, 41; absent, 5; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kiskaddon, Kreidler, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, Wojahn, Zimmerman - 41.

Absent: Senators Johnson, Lee, McDermott, West, Williams - 5.

Excused: Senators Hayner, Peterson, Stratton - 3.

SUBSTITUTE HOUSE BILL NO. 732, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTIONS

On motion of Senator Vognild, Senators McDermott and Williams were excused.

On motion of Senator Zimmerman, Senator von Reichbauer was excused.

#### SECOND READING

HOUSE BILL NO. 250, by Representatives Walk, Schmidt, Gallagher, Meyers and Dellwo (by request of Utilities and Transportation Commission)

Allowing the utilities and transportation commission to take action on permits after notice and opportunity for hearing.

The bill was read the second time.

#### MOTION

On motion of Senator Bender, the rules were suspended, House Bill No. 250 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 250.

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 250 and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Talmadge, Tanner, Vognil, Warnke, West, Wojahn, Zimmerman - 43.

Excused: Senators Hayner, McDermott, Peterson, Stratton, von Reichbauer, Williams - 6.

HOUSE BILL NO. 250, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 329, by Committee on Agriculture and Rural Development (originally sponsored by Representatives Bristow, Prince, Vekich, Nealey, Baugher, Rayburn, Grant, Madsen, Rasmussen and Sprenkle)

Enlarging the membership of the state conservation commission.

The bill was read the second time.

## MOTION

Senator Hansen moved that the following amendment by Senators Hansen, Bottiger, Newhouse and Barr be adopted:

On page 2, after line 15, insert the following:

NEW SECTION, Sec. 2. It is the intent of the legislature to foster cooperation between citizens of this state and state agencies in the efforts to control agricultural nonpoint source pollution problems. This cooperation shall be in the form of a system to refer complaints of nonpoint source pollution occurring on agricultural lands to a neutral entity which will work closely with the person conducting the agricultural activity in an effort to resolve the pollution problem. The focus of this system shall be to encourage the implementation of agricultural best management practices, to cooperate to achieve compliance with nonpoint pollution standards, and to avoid confrontation.

NEW SECTION, Sec. 3. The department of ecology shall promulgate regulations to implement sections 2 through 7 of this act. These regulations shall: (1) Delineate the role of the conservation districts in determining whether water pollution is originating from nonpoint agricultural sources; (2) establish criteria for determining when nonpoint agricultural pollution has been resolved; (3) establish criteria for determining when a pollution control emergency exists with regard to nonpoint source water pollution from agricultural lands; (4) delineate the responsibilities of the conservation districts and the department in identifying and responding to emergencies; and (5) incorporate the definition of nonpoint pollution established in section 208 of the federal water pollution control act.

NEW SECTION, Sec. 4. At the request of a conservation district, the department of ecology shall enter into a contract or memorandum of understanding with such conservation district to fund the activities of the district required by sections 2 through 7 of this act. The department may use federal water pollution control moneys, consistent with federal law, to provide a portion of the funding required to implement sections 2 through 7 of this act. If the resolution of a nonpoint pollution problem pursuant to sections 2 through 7 of this act involves a project eligible for funding under chapter 70.146 RCW, the district shall apply to the conservation commission for a grant to carry out such project with funds distributed to the conservation commission under chapter 70.146 RCW. Moneys to implement sections 2 through 7 of this act shall be distributed only to districts which have entered into a contract or memorandum of understanding with the department of ecology. Moneys to implement sections 2 through 7 of this act shall be distributed at the beginning of each fiscal year and shall be based on a formula developed by the department of ecology to estimate the activities to be required of the district during the fiscal year.

NEW SECTION, Sec. 5. (1) Complaints received by the department of ecology regarding nonpoint source water pollution from agricultural lands shall be referred to the conservation district office in the jurisdiction where the land is located. The conservation district shall contact the person conducting agricultural activities on the land in question. Following consultation with the person and an assessment of agricultural activities being conducted on the land, the conservation district shall determine if a nonpoint source pollution problem exists.

Following the consultation, the conservation district shall provide a written report of its findings to the person. The report shall be retained in the conservation district office, and all identifying information shall be held confidentially. The conservation district shall inform the department of ecology that contact with the responsible party has been made.

(2) In the event measurable water pollution is attributable to agricultural activities, the conservation district shall offer assistance to the person in the form of information, education, technical assistance, and, if available, cost share and other incentives. The conservation district support may include the development of a cooperative farm plan, employing the wastewater management planning process referenced in section 208 of the 1972 federal water pollution control act, P.L. 92-500, or equivalent measures. The person has the option of accepting all or part of the assistance offered by the conservation district, or choosing to solve the pollution problem on his or her own.

(3) If a person accepts the assistance of the conservation district or chooses otherwise, a period of six months shall be allowed for the development of a plan described in subsection (2) of this section. Following the development of the plan, a period of up to eighteen months shall be allowed for implementation. Provisions shall be made for an extension of the deadline in the event the schedule is disrupted due to weather conditions, cropping or harvesting responsibilities, or other events or conditions beyond the person's control, or to correct an error in estimating the time required for completion.

(4) In the event that any conservation district chooses not to participate in the provisions of sections 2 through 7 of this act, the department of ecology shall retain its authority and shall be the primary contact with persons conducting agricultural activities consistent with the intent of sections 2 through 7 of this act.

(5) If a conservation district determines that it cannot continue to participate on any referred complaint, the conservation district shall rerefer the complaint back to the department of ecology for action consistent with the intent of sections 2 through 7 of this act.

(6) If a previously referred nonpoint pollution complaint recurs, or if an emergency exists as defined pursuant to section 3 of this act, and the landowner has refused to cooperate with the conservation district or make a good faith effort to solve the nonpoint agricultural pollution problem on his or her own, the conservation district or the department of ecology shall immediately notify the person that failure to take immediate corrective action may result in enforcement action by the department of ecology, which may include a resource damage assessment.

NEW SECTION. Sec. 6. The department of ecology shall not collect natural resource damage assessments authorized in RCW 90.48.142 for damages arising from agricultural nonpoint source pollution if the individual causing the resource damage is making a good faith effort to develop or implement a plan pursuant to sections 2 through 7 of this act and if the individual is employing best management practices described in appropriate state water quality management plans pursuant to section 208 of the federal water pollution control act, P.L. 95-217.

NEW SECTION. Sec. 7. Sections 2 through 5 of this act shall be administered by the department of ecology with the advice and consent of the state conservation commission.

NEW SECTION. Sec. 8. Sections 2 through 7 of this act are each added to chapter 90.48 RCW."

#### POINT OF ORDER

Senator Kreidler: "Mr. President, I'd like to raise the question of scope and object on this particular amendment. You take a look at the title and you take a look at the scope of the bill that's before us, you will see it is quite inconsistent with the amendment that is being proposed."

#### MOTION

On motion of Senator Vognild, further consideration of Substitute House Bill No. 329 was deferred.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 347, by Committee on Transportation (originally sponsored by Representatives Baugher, Schmidt, Walk, S. Wilson and Meyers)

Modifying payment provisions on motor vehicle and special fuel taxes.

The bill was read the second time.

#### MOTION

On motion of Senator Vognild, the rules were suspended, Substitute House Bill No. 347 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 347.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 347 and the bill passed the Senate by the following vote: Yeas, 41; nays, 2; excused, 6.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Talmadge, Tanner, Vognilid, Warnke, West, Wojahn - 41.

Voting nay: Senators Bluechel, Zimmerman - 2.

Excused: Senators Hayner, McDermott, Peterson, Stratton, von Reichbauer, Williams - 6.

SUBSTITUTE HOUSE BILL NO. 347, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 277, by Representatives Gallagher, Doty, Walk, Schmidt and P. King (by request of Department of Licensing)

Extending the time permitted for providing the department of licensing proof of financial responsibility.

The bill was read the second time.

#### MOTION

Senator Talmadge moved that the following amendment be adopted:

On page 1, line 9, after "~~(ten)~~" strike "sixty" and insert "twenty"

Debate ensued.

#### POINT OF INQUIRY

Senator Patterson: "Senator Halsan, this is a case where if you are found guilty of the violation of the accident, you are at fault or what?"

Senator Halsan: "Under the financial responsibility law that we are dealing with right in this particular thing, you have an accident and you do not have insurance, the person submits the accident report to the Department of Licensing and your license is suspended unless you post, effectively, a bond that might cover the damages to the other person if they ever recover against you in court. You don't have to pay the other person right up front, although that would relieve you of the responsibility as well, but you do have to post security in order to protect that person, should they eventually prevail."

Senator Patterson: "At the time of the accident, a judgment has not been returned against you as to whether or not it is your fault. Is that correct?"

Senator Halsan: "That is correct and that's--"

Senator Patterson: "That you are supposed to have liability insurance regardless of whether you are at fault?"

Senator Halsan: "That's correct."

Senator Patterson: "So, this gives you twenty days to provide the security in the case you did not have insurance?"

Senator Halsan: "That is correct. You may eventually be found not to have been at fault in the accident, in which case you get the security back."

#### POINT OF INQUIRY

Senator Deccio: "Senator Talmadge, I am sorry I haven't been following this, but as I understand it you are changing the House version from sixty to twenty days?"

Senator Talmadge: "That's right."

Senator Deccio: "May I ask what the rationale is for reducing that from sixty to twenty?"

Senator Talmadge: "At present, Senator Deccio, the time period is ten days. If you are involved in an accident and you don't have insurance or other kind of financial coverage--a bond or some other assets posted--if that takes place, then there is a notification made and you have ten days in which to get insurance or post a bond or whatever. As I understand it, the Department of Licensing has been saying they can't simply turn these things around in a ten day time period and they asked us to extend that to sixty.

"But, it seems to me that these people have demonstrated once already that they are not responsible drivers; that they are driving without insurance or other

kind of protection for others on the road. A twenty day time period seems to be more appropriate. It gives the Department more time to do what they need to do, but it does give us, I think, a little more protection from these people who are driving without insurance."

Senator Deccio: "Well, I guess, this is the filing of proof of financial responsibility immediately after the accident or after the SR 22 filing that is required when the license is going to be reinstated? Which period of time are you talking about?"

Senator Talmadge: "I believe it's the time period from the filing--from mailing of the notice."

Senator Deccio: "To the state?"

Senator Talmadge: "To the driver."

Senator Deccio: "Of the accident?"

Senator Talmadge: "Yes."

Senator Deccio: "Well, I guess the reason I am asking this is because if you are going to wait until the end of the reinstatement period, if the license has been suspended, you can't get insurance in twenty days. If it goes through the pool, it takes at least three weeks before they even determine who is going to be assigned the insurance. I think that twenty days would really not be adequate. I guess I would have to oppose the amendment based on that fact."

Senator Talmadge: "The only problem we have is if we have people driving without any kind of financial responsibility for a period of sixty days after an event at which they have demonstrated their financial irresponsibility. I have a concern about that time period being so delayed. I think the time is sufficient."

Senator Deccio: "Well, that's why I asked the question. If you are talking about just after the accident and not if you are being convicted--had your license revoked. You're not talking about a reinstatement period? You're talking about after the accident?"

Senator Talmadge: "The bill says, at present, Senator Deccio, 'In the event that any person required to give proof of financial responsibility under the law, to give such proof within--such and such a time period--after the Department has sent notice as hereinbefore provided the Department shall suspend and so forth,' so it's after the notice has been issued by the Department of Licensing to the person, that they are subject to having their license suspended if they fail to do it. I think that is the SR 22, period. It's not the accident, but the notice at the time which the time period begins."

Senator Deccio: "Well, again, I think you have me confused. I don't want to drag this on, but you've got one period that you have to file evidence of financial responsibility after the accident and then if your license has been revoked, then after the revocation period you have to file proof of financial responsibility before you can get your license back. That's the period you are talking about? Well, okay then, if it's before the accident or immediately after the accident, I would go along with the amendment."

#### REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, before we all get confused, when you get in a traffic accident, you fill out an accident report form. In that form, there is a question, 'Do you have insurance?' And, if you put down 'none' or if you put down 'Allstate,' the Department checks and if you're not insured by Allstate, then they send out a notice and they give you an opportunity for a hearing to show them why the accident was not your fault and the best thing you can use for evidence is the police officer's report which will indicate whether he thought it was your fault or not.

"If he thought it was your fault, or could have been your fault, you are going to lose at that hearing. Then they send you a notice. You then have a period of time to go down and do two things--post a bond for the accident you had and post proof of insurance for the future. That's the SR 22 form you are talking about. No insurance company is going to sell you a policy to cover an accident you've already had. You're going to have to go down and post a bond, or cash, or something in what the patrol officer thought was the estimated value of the damage that was done and if there has been a personal injury, then there is usually a filing by the injured party as to what that bond would be."

The President declared the question before the Senate to be adoption of the amendment by Senator Talmadge.

The motion by Senator Talmadge carried and the amendment was adopted.

#### MOTION

On motion of Senator Bender, the rules were suspended, House Bill No. 277, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 277, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 277, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Talmadge, Tanner, Vognild, Warnke, West, Wojahn, Zimmerman - 43.

Excused: Senators Hayner, McDermott, Peterson, Stratton, von Reichbauer, Williams - 6.

HOUSE BILL NO. 277, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chambers of NASA Astronaut David Griggs and appointed Senators Hansen, Rasmussen, Bottiger, Bluechel and Zimmerman to escort the honored guest to the Senate Rostrum.

The President introduced Navy Reserve Captain David Griggs, a NASA Astronaut since 1978 and a member of the sixteenth shuttle mission launched April 12, 1985.

With permission of the Senate, business was suspended to permit Astronaut Griggs to address the Senate.

The honored guest was escorted from the Senate Chambers and the committee was discharged.

#### SECOND READING

HOUSE BILL NO. 279, by Representatives Gallagher, Doty, Walk, Schmidt and P. King (by request of Department of Licensing)

Extending the time required for filing a security deposit under the financial responsibility provisions of the motor vehicle code.

The bill was read the second time.

#### MOTIONS

On motion of Senator Talmadge, the following amendment was adopted:

On page 1, line 9, after "(ten)" strike "sixty" and insert "twenty"

On motion of Senator Bender, the rules were suspended, House Bill No. 279, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 279, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 279, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; absent, 2; excused, 6.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Talmadge, Tanner, Vognild, Warnke, West, Wojahn, Zimmerman - 41.

Absent: Senators Garrett, McDonald - 2.

Excused: Senators Hayner, McDermott, Peterson, Stratton, von Reichbauer, Williams - 6.

HOUSE BILL NO. 279, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 352, by Representatives Cantwell, D. Sommers, Walk, Schmidt, Betrozoff and Meyers (by request of Department of Transportation)

Modifying provisions relating to priority programming for highways.

The bill was read the second time.

#### MOTION

On motion of Senator Bender, the rules were suspended, House Bill No. 352 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 352.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 352 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McDermott, Peterson - 2.

HOUSE BILL NO. 352, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 341 and the pending amendment by Senator Bottiger on page 3, line 4, and the pending amendment by Senators Smitherman and Warnke on page 3, line 6, deferred April 10, 1987.

#### RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator West, the President finds that Engrossed Substitute House Bill No. 341 is a measure allowing state-chartered commercial banks to invest in certain non-banking activities, allowing commercial banks to deal in securities and providing for a study of the financial institutions industry.

"The amendment proposed by Senator Bottiger restricts the state treasurer from using certain financial institutions as public depositories if they contribute to political committees other than those in the name of the institution.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senator Bottiger was ruled out of order.

#### RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator West, the President finds that Engrossed Substitute House Bill No. 341 is a measure allowing state-chartered commercial banks to invest in certain non-banking activities, allowing commercial banks to deal in securities and providing for a study of the financial institutions industry.

"The amendment proposed by Senators Smitherman and Warnke establishes the small business loan program to be administered by the Supervisor of Banking.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senators Smitherman and Warnke was ruled out of order.

MOTIONS

On motion of Senator Moore, the following title amendment was adopted:  
On page 1, line 2 of the title, strike "creating a new section;"

On motion of Senator Moore, the rules were suspended, Engrossed Substitute House Bill No. 341, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 341, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 341, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senator Rinehart - 1.

Excused: Senators McDermott, Peterson - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 341, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 431, by Representatives Ferguson, P. King, Holland, Heavey, Scott, Ebersole, Patrick, Haugen, Walk, Ballard, Sanders, May, J. Williams, Schmidt, Walker, Betrozoff, Amondson and Miller

Exempting emergency vehicles from restrictions on television receivers and headphones.

The bill was read the second time.

MOTION

Senator Smitherman moved that the following Committee on Transportation amendment be adopted:

On page 1, after line 18, insert the following:

"Sec. 2. Section 2, chapter 137, Laws of 1965 as last amended by section 5, chapter 351, Laws of 1985 and RCW 46.44.0941 are each amended to read as follows:

The following fees, in addition to the regular license and tonnage fees, shall be paid for all movements under special permit made upon state highways. All funds collected shall be forwarded to the state treasury and shall be deposited in the motor vehicle fund:

All overlegal loads, except overweight, single trip .....	\$ 5.00
Continuous operation of overlegal loads having either overwidth or overheight features only, for a period not to exceed thirty days .....	\$ 20.00
Continuous operations of overlegal loads having overlength features only, for a period not to exceed thirty days .....	\$ 10.00
Continuous operation of a combination of vehicles having one trailing unit that exceeds forty-eight feet and is not more than fifty-six feet in length, for a period of one year .....	\$100.00
Continuous operation of a combination of vehicles having two trailing units which together exceed sixty feet and are not more than sixty-eight feet in length, for a period of one year .....	\$100.00
Continuous operation of a three-axle fixed load vehicle having less than 65,000 pounds gross weight, for a period not to exceed thirty days .....	\$ 50.00
Continuous operation of overlegal loads having nonreducible fea- tures not to exceed eighty-five feet in length and fourteen feet in width, for a period of one year .....	\$150.00

Continuous operation of overlegal loads consisting of a tractor and three trailing units or a truck and two trailing units not to exceed one hundred five feet in length for a period of one year: PROVIDED: That such operation is authorized only on limited access highways within one mile of a state allowing such combinations and within five miles of such interstate highways in accordance with rules as may be adopted by the department . . . . . \$150.00

Continuous operation of farm implements under a permit issued as authorized by RCW 46.44.140 by:

- |  |          |
|--|----------|
| (1) Farmers in the course of farming activities, for any three-month period . . . . .  | \$ 10.00 |
| (2) Farmers in the course of farming activities, for a period not to exceed one year . . . . .   | \$ 25.00 |
| (3) Persons engaged in the business of the sale, repair, or maintenance of such farm implements, for any three-month period . . . . .          | \$ 25.00 |
| (4) Persons engaged in the business of the sale, repair, or maintenance of such farm implements, for a period not to exceed one year . . . . . | \$100.00 |

#### Overweight Fee Schedule

Weight over total registered gross weight plus additional gross weight purchased under RCW 46.44.095 or 46.44.047, or any other statute authorizing the state department of transportation to issue annual overweight permits.		Fee per mile on state highways
1- 5,999 pounds . . . . .	\$	.05
6,000-11,999 pounds . . . . .	\$	.10
12,000-17,999 pounds . . . . .	\$	.15
18,000-23,999 pounds . . . . .	\$	.25
24,000-29,999 pounds . . . . .	\$	.35
30,000-35,999 pounds . . . . .	\$	.45
36,000-41,999 pounds . . . . .	\$	.60
42,000-47,999 pounds . . . . .	\$	.75
48,000-53,999 pounds . . . . .	\$	.90
54,000-59,999 pounds . . . . .	\$	1.05
60,000-65,999 pounds . . . . .	\$	1.20
66,000-71,999 pounds . . . . .	\$	1.45
72,000-79,999 pounds . . . . .	\$	1.70
80,000 pounds or more . . . . .	\$	2.00

PROVIDED: (1) The minimum fee for any overweight permit shall be \$5.00, (2) the fee for issuance of a duplicate permit shall be \$5.00, (3) when computing overweight fees that result in an amount less than even dollars the fee shall be carried to the next full dollar if fifty cents or over and shall be reduced to the next full dollar if forty-nine cents or under."

#### POINT OF ORDER

Senator Bender: "Mr. President, I raise a point of order. I would like to have you rule on the scope and object of this amendment. I don't think that triple trailers are considered emergency vehicles. I think that's totally way outside the scope and object of this bill."

#### MOTION

On motion of Senator Vognild, further consideration of House Bill No. 431 was deferred.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 920, by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Zellinsky, Lux, S. Wilson and Taylor)

Providing specific insurance rate-making criteria for passenger cars with safety and anti-theft devices.

The bill was read the second time.

#### MOTION

Senator Moore moved that the following amendment by Senators Moore, Pullen and Bender be adopted:

On page 2, after line 6, insert the following:

"NEW SECTION, Sec. 2. This act shall take effect on January 1, 1988."

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Moore, you're familiar with the insurance business. Do they give us the courtesy of that time element when they raise our rates?"

Senator Moore: "No, Senator, that is something that I think perhaps the entire state should address one of these days."

Senator Rasmussen: "A little more courtesy from the insurance companies?"

Senator Moore: "Well, it may take even more than just a little nudge. It might require legislation."

The President declared the question before the Senate to be adoption of the amendment by Senators Moore, Pullen and Bender.

The motion by Senator Moore carried and the amendment was adopted.

#### MOTIONS

On motion of Senator Moore, the following title amendment was adopted:

On line 2 of the title, after "insurance," strike "and" and after "RCW" insert "; and providing an effective date"

On motion of Senator Moore, the rules were suspended, Substitute House Bill No. 920, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 920, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 920, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Decchio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Tanner - 1.

Excused: Senators McDermott, Peterson - 2.

SUBSTITUTE HOUSE BILL NO. 920, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 542, by Committee on Natural Resources (originally sponsored by Representatives Patrick, Holland, S. Wilson, Sutherland, May and Jacobsen)

Prohibiting placement of traps on private property without permission.

The bill was read the second time.

#### MOTIONS

On motion of Senator Owen, the following Committee on Natural Resources amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 77.16.170, chapter 36, Laws of 1955 as amended by section 85, chapter 78, Laws of 1980 and RCW 77.16.170 are each amended to read as follows:

It is unlawful to take a wild animal from another person's trap without permission, or to spring, pull up, damage, possess, or destroy the trap; however, it is not unlawful for a property owner, lessee, or tenant to remove a trap placed on the owner's, lessee's, or tenant's property by a trapper without permission from the owner.

Trappers shall attach to the chain of their traps or devices a legible metal tag with the name and address of the trapper in English letters not less than one-eighth inch in height.

Sec. 2. Section 77.16.240, chapter 36, Laws of 1955 as last amended by section 1, chapter 31, Laws of 1982 and RCW 77.21.010 are each amended to read as follows:

(1) A person violating RCW 77.16.040, 77.16.050, 77.16.060, 77.16.080, 77.16.210, 77.16.220, 77.16.310, 77.16.320, or 77.32.211, or committing a violation of RCW 77.16.020 or 77.16.120 involving 77.16.210, 77.16.220, 77.16.310, 77.16.320, or 77.32.211, or committing a violation of

RCW 77.16.020 or 77.16.120 involving big game or an endangered species is guilty of a gross misdemeanor and shall be punished by a fine of not less than two hundred fifty dollars and not more than one thousand dollars or by imprisonment in the county jail for not less than thirty days and not more than one year or by both the fine and imprisonment. Each subsequent violation within a five-year period of RCW 77.16.040, 77.16.050, or 77.16.060, or of RCW 77.16.020 or 77.16.120 involving big game or an endangered species, as defined by the Washington state game commission under the authority of RCW 77.04.090, shall be prosecuted and punished as a class C felony as defined in RCW 9A.20.020. In connection with each such felony prosecution, the director shall provide the court with an inventory of all articles or devices seized under this title in connection with the violation. Inventoried articles or devices shall be disposed of pursuant to RCW 77.21.040.

(2) A person violating or failing to comply with this title or a rule of the commission for which no penalty is otherwise provided is guilty of a misdemeanor and shall be punished for each offense by a fine of five hundred dollars or by imprisonment for not more than ninety days in the county jail or by both the fine and imprisonment.

(3) A person placing traps on private property without permission of the owner, lessee, or tenant is guilty of a misdemeanor and shall be punished for each offense by a fine of not less than five hundred dollars.

(4) Persons convicted of a violation shall pay the costs of prosecution and the penalty assessment in addition to the fine or imprisonment.

~~((4))~~ (5) The unlawful killing, taking, or possession of each wildlife member constitutes a separate offense.

~~((5))~~ (6) District courts have jurisdiction concurrent with the superior courts of misdemeanors and gross misdemeanors committed in violation of this title or rules of the commission and may impose the punishment provided for these offenses. Superior courts have jurisdiction over felonies committed in violation of this title.

Sec. 3. Section 23, chapter 310, Laws of 1981 as amended by section 4, chapter 464, Laws of 1985 and RCW 77.32.191 are each amended to read as follows:

A state trapping license allows the holder to trap fur-bearing animals throughout the state; however, a trapper may not place traps on private property without written permission of the owner, lessee, or tenant. A state trapping license is void on April 1st following the date of issuance. The fee for this license is thirty dollars for residents sixteen years of age or older, twelve dollars for residents under sixteen years of age, and one hundred fifty dollars for nonresidents.

NEW SECTION. Sec. 4. A new section is added to chapter 77.32 RCW to read as follows:

The commission shall revoke the trapper's license of a person placing unauthorized traps on private property and may remove those traps."

On motion of Senator Owen, the following title amendment was adopted:

On page 1, line 1 of the title, after "activities;" strike the remainder of the title and insert "amending RCW 77.16.170, 77.21.010, and 77.32.191; adding a new section to chapter 77.32 RCW; and prescribing penalties."

#### MOTION

On motion of Senator Owen, the rules were suspended, Substitute House Bill No. 542, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 542, as amended by the Senate

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 542, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Metcalf - 1.

Excused: Senators McDermott, Peterson - 2.

SUBSTITUTE HOUSE BILL NO. 542, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED HOUSE BILL NO. 559, by Representatives Appelwick, Walk, Sutherland, Barnes, Patrick, Dellwo, Hearvey, Wang, Hankins, Gallagher, C. Smith, Doty, Schmidt, Betzoff, J. Williams, Day, Brough, Cantwell, K. Wilson, Fisher, Zellinsky, Haugen, Fisch, Jacobsen, Todd, P. King, Jesernig, May, Winsley and Schoon

Extending and revising vanpool laws.

The bill was read the second time.

## MOTION

On motion of Senator Bender, the rules were suspended, Engrossed House Bill No. 559 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 559.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 559 and the bill passed the Senate by the following vote: Yeas, 38; nays, 8; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Owen, Pullen, Rasmussen, Sellar, Smitherman, Talmadge, Vognil, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 38.

Voting nay: Senators Anderson, Benitz, Deccio, Newhouse, Patterson, Saling, Stratton, Tanner - 8.

Absent: Senator Rinehart - 1.

Excused: Senators McDermott, Peterson - 2.

ENGROSSED HOUSE BILL NO. 559, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 569, by Committee on Ways and Means/Revenue (originally sponsored by Representatives Rayburn, Baugher, Hankins, Jesernig, Brooks, Day, Sayan, Moyer, Grant, Dellwo, Silver, K. Wilson, Doty, Lewis, P. King, Schmidt, Holm, Betzoff, May, C. Smith and Haugen)

Establishing the Washington wine commission.

The bill was read the second time.

## MOTIONS

Senator Vognil moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION.** Sec. 1. The legislature declares that:

(1) Marketing is a dynamic and changing part of Washington agriculture and a vital element in expanding the state economy.

(2) The sale in the state and export to other states and abroad of wine made in the state contribute substantial benefits to the economy of the state, provide a large number of jobs and sizeable tax revenues, and have an important stabilizing effect on prices received by agricultural producers. Development of exports of these commodities abroad will contribute favorably to the balance of trade of the United States and of the state. The sale and export are therefore affected with the public interest.

(3) The production of wine grapes in the state is a new and important segment of Washington agriculture which has potential for greater contribution to the economy of the state if it undergoes healthy development.

(4) The general welfare of the people of the state will be served by healthy development of the activities of growing and processing wine grapes, which development will improve the tax bases of local communities in which agricultural land and processing facilities are located, and obviate the need for state and federal funding of local services. The industries are therefore affected with the public interest.

(5) Creation of a commission for the public purpose of administering the revenue of the commission under RCW 66.24.210(3) for the enhancement of production of wine grapes and wine and the marketing of Washington wine will materially advance the industries of growing and processing wine grapes and thereby the interests of the citizens of the state.

**NEW SECTION.** Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Commission" means the Washington wine commission.

(2) "Director" means the director of agriculture or the director's duly appointed representative.

(3) "Department" means the department of agriculture.

(4) "Person" includes any individual, firm, corporation, trust, association, partnership, society, or any other organization of individuals.

(5) "Grower" means a person who has at least five acres in production of vinifera grapes.

(6) "Growers' association" means a nonprofit association of Washington producers of vinifera grapes, whether or not incorporated, which the director finds to comprise the interested persons affected by appointment of members of the commission or, if the director finds that no such association exists, a group of growers of vinifera grapes within the state identified by the director as fairly representing growers of vinifera grapes within the state.

(7) "Vinifera grapes" means the agricultural product commonly known as VITIS VINIFERA and those hybrid of VITIS VINIFERA which have predominantly the character of VITIS VINIFERA

(8) "Producer" means any person or other entity which grows within the state vinifera grapes or any person or other entity licensed under Title 66 RCW to produce within the state wine made predominantly from vinifera grapes.

(9) "Wine producer" means any person or other entity licensed under Title 66 RCW to produce within the state wine from vinifera grapes.

(10) "Eastern Washington" means that portion of the state lying east of the Cascade mountain range.

(11) "Western Washington" means that portion of the state lying west of the Cascade mountain range.

(12) "Wine" for the purposes of this section shall be as defined in RCW 66.04.010.

(13) "Wine institute" means a nonprofit association of Washington wine producers, whether or not incorporated, which the director finds to comprise interested persons affected by appointment of members of the commission or, if the director finds that no such association exists, a group composed of all such producers identified as actively engaged in the production of wine within the state.

**NEW SECTION.** Sec. 3. (1) There is created an agricultural commodity commission to be known and designated as the Washington wine commission. Except as provided in section 10(2) of this act, the commission shall be composed of eleven voting members, five voting members shall be growers, five voting members shall be wine producers, and one voting member shall be a wine wholesaler licensed under RCW 66.24.200. Of the grower members, at least one shall be a person who does not have over fifty acres of vinifera grapes in production, at least one shall be a person who has over one hundred acres of vinifera grapes in production, and two may be persons who produce and sell their own wine. Of the wine producer members, at least one shall be a person producing not more than twenty-five thousand gallons of wine annually, at least one shall be a person producing over one million gallons of wine annually, and at least two shall be persons who produce wine from their own grapes. In addition, at least one member shall be a wine producer located in western Washington and at least two members shall be wine producers located in eastern Washington.

(2) In addition to the voting members identified in subsection (1) of this section, the commission shall have one nonvoting member who is a wine producer in this state whose principal wine or wines are produced from fruit other than vinifera grapes.

(3) Except as provided in section 10(2) of this act, seven voting members of the commission constitute a quorum for the transaction of any business of the commission.

(4) Each voting member of the commission shall be a citizen and resident of this state and over the age of twenty-one years. Each must be or must have been engaged in that phase of the grower or wine producer industry that he or she is appointed to represent, and must during his or her term of office derive a substantial portion of income therefrom, or have a substantial investment in the growing of vinifera grapes or the production of wine from vinifera grapes as an owner, lessee, partner, or a stockholder owning at least ten percent of the voting stock in a corporation engaged in the growing of vinifera grapes or wine production from vinifera grapes; or the manager or executive officer of such a corporation. These qualifications apply throughout each member's term of office.

**NEW SECTION.** Sec. 4. The appointive voting positions on the commission shall be designated as follows: The wine producers shall be designated positions one, two, three, four, and five; the growers shall be designated positions six, seven, eight, nine, and ten; and the at large shall be position eleven. The nonvoting member shall be designated position number twelve. The member designated as filling position one shall be a person producing over one million

gallons of wine annually. The member designated as position one shall be the sole representative, directly or indirectly, of the producer eligible to hold position one and in no event shall that producer directly or indirectly control more than fifty percent of the votes of the commission.

Except as provided in section 10(2) of this act, the regular terms of office shall be three years from the date of appointment and until their successors are appointed. However, the first terms of the members appointed upon the effective date of this section shall be as follows: Positions one, six, and eleven shall terminate July 1, 1990; positions two, four, seven, and nine shall terminate July 1, 1989; and positions three, five, eight, and ten shall terminate July 1, 1988. The term of the initial nonvoting member shall terminate July 1, 1990.

**NEW SECTION.** Sec. 5. The director shall appoint the members of the commission. In making such appointments of the voting members, the director shall take into consideration recommendations made by the growers' association and the wine institute as the persons recommended for appointment as members of the commission. In appointing persons to the commission, the director shall seek to ensure as nearly as possible a balanced representation on the commission which would reflect the composition of the growers and wine producers throughout the state as to number of acres cultivated and amount of wine produced.

The appointment shall be carried out immediately subsequent to the effective date of this section and members so appointed as set forth in this chapter shall serve for the periods set forth for the original members of the commission under section 4 of this act.

In the event a position on the commission becomes vacant due to resignation, disqualification, death, or for any other reason, the unexpired term of the position shall immediately be filled by appointment by the director.

Each member of the commission shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

**NEW SECTION.** Sec. 6. Obligations incurred by the commission and liabilities or claims against the commission shall be enforced only against the assets of the commission in the same manner as if it were a corporation and no liability for the debts or actions of the commission shall exist against either the state of Washington or any subdivision or instrumentality thereof or against any member, officer, employee, or agent of the commission in his or her individual capacity. The members of the commission, including employees of the commission, shall not be held responsible individually or any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person, or employees, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other members of the commission.

**NEW SECTION.** Sec. 7. The powers and duties of the commission include:

(1) To elect a chairman and such officers as the commission deems advisable. The officers shall include a treasurer who is responsible for all receipts and disbursements by the commission and the faithful discharge of whose duties shall be guaranteed by a bond at the sole expense of the commission. The commission shall adopt rules for its own governance, which shall provide for the holding of an annual meeting for the election of officers and transaction of other business and for such other meetings as the commission may direct;

(2) To do all things reasonably necessary to effect the purposes of this chapter. However, the commission shall have no legislative power;

(3) At the pleasure of the commission, to employ and discharge managers, secretaries, agents, attorneys, and employees and to engage the services of independent contractors as the commission deems necessary, to prescribe their duties, and to fix their compensation;

(4) To receive donations of wine from wineries for promotional purposes;

(5) To engage directly or indirectly in the promotion of Washington wine, including without limitation the acquisition in any lawful manner and the dissemination without charge of wine, which dissemination shall not be deemed a sale for any purpose and in which dissemination the commission shall not be deemed a wine producer, supplier, or manufacturer of any kind or the clerk, servant, or agent of a producer, supplier, or manufacturer of any kind. Such dissemination shall be for agricultural development or trade promotion, which may include promotional hosting and shall in the good faith judgment of the commission be in aid of the marketing, advertising, or sale of wine, or of research related to such marketing, advertising, or sale;

(6) To acquire and transfer personal and real property, establish offices, incur expense, enter into contracts (including contracts for creation and printing of promotional literature, which contracts shall not be subject to chapter 43.78 RCW, but which shall be cancelable by the commission unless performed under conditions of employment which substantially conform to the laws of this state and the rules of the department of labor and industries). The commission may create such debt and other liabilities as may be reasonable for proper discharge of its duties under this chapter;

(7) To maintain such account or accounts with one or more qualified public depositaries as the commission may direct, to cause moneys to be deposited therein, and to expend moneys

for purposes authorized by this chapter by drafts made by the commission upon such institutions or by other means:

(8) To cause to be kept and annually closed, in accordance with generally accepted accounting principles, accurate records of all receipts, disbursements, and other financial transactions, available for audit by the state auditor;

(9) To create and maintain a list of producers and to disseminate information among and solicit the opinions of producers with respect to the discharge of the duties of the commission, directly or by arrangement with trade associations or other instrumentalities;

(10) To employ, designate as agent, act in concert with, and enter into contracts with any person, council, commission or other entity for the purpose of promoting the general welfare of the vinifera grape industry and particularly for the purpose of assisting in the sale and distribution of Washington wine in domestic and foreign commerce, expending moneys as it may deem necessary or advisable for such purpose and for the purpose of paying its proportionate share of the cost of any program providing direct or indirect assistance to the sale and distribution of Washington wine in domestic or foreign commerce, employing and paying for vendors of professional services of all kinds; and

(11) To sue and be sued as a commission, without individual liability for acts of the commission within the scope of the powers conferred upon it by this chapter.

**NEW SECTION.** Sec. 8. The commission shall create, provide for, and conduct a comprehensive and extensive research, promotional, and educational campaign as crop, sales, and market conditions reasonably require. It shall investigate and ascertain the needs of producers, conditions of markets, and degree of public awareness of products, and take into account the information adduced thereby in the discharge of its duties under this chapter.

**NEW SECTION.** Sec. 9. The commission shall adopt as major objectives of its research, promotional, and educational campaign such goals as will serve the needs of producers, which may include, without limitation, efforts to:

(1) Establish Washington wine as a major factor in markets everywhere;

(2) Promote Washington wineries as tourist attractions;

(3) Encourage favorable reporting of Washington wine and wineries in the press throughout the world;

(4) Establish the state in markets everywhere as a major source of premium wine;

(5) Encourage favorable legislative and regulatory treatment of Washington wine in markets everywhere;

(6) Foster economic conditions favorable to investment in the production of vinifera grapes and Washington wine;

(7) Advance knowledge and practice of production of wine grapes in this state;

(8) Discover and develop new and improved vines for the reliable and economical production of wine grapes in the state; and

(9) Advance knowledge and practice of the processing of wine grapes in the state.

**NEW SECTION.** Sec. 10. (1) Except as provided in subsections (2) and (3) of this section, the vote of each of the voting members of the commission shall be weighted as provided by this subsection for the transaction of any of the business of the commission. The total voting strength of the entire voting membership of the commission shall be eleven votes. The vote of position one shall be equal to the lesser of the following: Five and one-half votes; or eleven votes times the percentage of the wine produced in the state that is produced by the person filling position one. The percentage shall be based upon the amount of wine produced in the previous calendar year and shall be rounded to the nearest ten percent. The remaining votes of the membership of the commission shall be divided equally among the remaining members of the commission.

(2) In the event the assessment described in section 13(1)(b) of this act is not effective on July 1, 1989, the positions designated for growers cease to exist. In such an event, the commission shall be composed of six voting members and one nonvoting member. The nonvoting member shall be position seven. Four voting members of the commission constitute a quorum for the modified commission. Of the six votes of the entire voting membership of the modified commission, the vote of position one shall be the lesser of the following: Three votes; or six votes times the percentage of the wine produced in the state that is produced by the person filling position one. The percentage shall be based upon the amount of wine produced in the previous calendar year and shall be rounded to the nearest ten percent. The remaining votes of the membership of the commission shall be divided equally among the remaining members of the commission.

(3) In the event that the percentage of wine produced by the producer represented by position one falls below twenty-five percent of the wine produced in this state, the weighted voting mechanism provided for in subsections(1) and (2) of this section shall cease to be effective. In that case, the voting shall be based on one vote per position.

Sec. 11. Section 24-A added to chapter 62, Laws of 1933 ex. sess. by section 3, chapter 158, Laws of 1935 as last amended by section 10, chapter 3, Laws of 1983 2nd ex. sess. and RCW 66.24.210 are each amended to read as follows:

(1) There is hereby imposed upon all wines sold to wine wholesalers and the Washington state liquor control board, within the state a tax at the rate of twenty and one-fourth cents per liter: PROVIDED, HOWEVER, That wine sold or shipped in bulk from one winery to another winery shall not be subject to such tax. The tax provided for in this section may, if so prescribed by the board, be collected by means of stamps to be furnished by the board, or by direct payments based on wine purchased by wine wholesalers. Every person purchasing wine under the provisions of this section shall on or before the twentieth day of each month report to the board all purchases during the preceding calendar month in such manner and upon such forms as may be prescribed by the board, and with such report shall pay the tax due from the purchases covered by such report unless the same has previously been paid. Any such purchaser of wine whose applicable tax payment is not postmarked by the twentieth day following the month of purchase will be assessed a penalty at the rate of two percent a month or fraction thereof. If this tax be collected by means of stamps, every such person shall procure from the board revenue stamps representing the tax in such form as the board shall prescribe and shall affix the same to the package or container in such manner and in such denomination as required by the board and shall cancel the same prior to the delivery of the package or container containing the wine to the purchaser. If the tax is not collected by means of stamps, the board may require that every such person shall execute to and file with the board a bond to be approved by the board, in such amount as the board may fix, securing the payment of the tax. If any such person fails to pay the tax when due, the board may forthwith suspend or cancel the license until all taxes are paid.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section. All revenues collected during any month from this additional tax shall be transferred to the state general fund by the twenty-fifth day of the following month.

(3) An additional tax is imposed on wines subject to tax under subsection (1) of this section, at the rate of one-fourth of one cent per liter for wine sold after June 30, 1987.

**NEW SECTION.** Sec. 12. A new section is added to chapter 66.08 RCW to read as follows:

To provide for the operation of the wine commission prior to its first quarterly disbursement, the liquor control board shall, on the effective date of this section, disburse one hundred ten thousand dollars to the wine commission. However, such disbursement shall be repaid to the liquor control board by a reduction from the quarterly disbursements to the wine commission under RCW 66.24.210 of twenty-seven thousand five hundred dollars each quarter until such amount is repaid. These funds shall be used to establish the Washington wine commission and the other purposes delineated in chapter 15.-- RCW (sections 1 through 10 this act).

**NEW SECTION.** Sec. 13. A new section is added to chapter 66.12 RCW to read as follows:

(1) To provide for permanent funding of the wine commission after July 1, 1989, agricultural commodity assessments shall be levied by the board on wine producers and growers as follows:

(a) Beginning on July 1, 1989, the assessment on wine producers shall be two cents per gallon on sales of packaged Washington wines.

(b) Beginning on July 1, 1989, the assessment on growers, on sales of Washington vinifera wine grapes, shall be levied at a rate sufficient to raise an amount equal to the amount raised under subsection (1)(a) of this section. The method of calculation and collection of the grower assessment shall be determined under legislation enacted during the 1988 session of the legislature.

(c) After July 1, 1993, assessment rates under subsection (1)(a) of this section may be changed pursuant to a referendum conducted by the Washington wine commission and approved by a majority vote of wine producers. The weight of each producer's vote shall be equal to the percentage of that producer's share of Washington vinifera wine production in the prior year.

(d) After July 1, 1993, assessment amounts under subsection (1)(b) of this section may be changed pursuant to a referendum conducted by the Washington wine commission and approved by a majority vote of grape growers. The weight of each grower's vote shall be equal to the percentage of that grower's share of Washington vinifera grape sales in the prior year.

(2) Assessments collected under this section shall be disbursed quarterly to the Washington wine commission for use in carrying out the purposes of chapter 15.-- RCW (sections 1 through 10 of this act).

(3) Prior to July 1, 1996, a referendum shall be conducted to determine whether to continue the Washington wine commission as representing both wine producers and grape growers. The voting shall not be weighted. The wine producers shall vote whether to continue the commission's coverage of wineries and wine production. The grape producers shall vote whether to continue the commission's coverage of issues pertaining to grape growing. If a majority of both wine and grape producers favor the continuation of the commission, the assessments shall continue as provided in subsection (2) (b) and (d) of this section. If only one group of producers favors the continuation, the assessments shall only be levied on the group which favored the continuation.

**NEW SECTION.** Sec. 14. A new section is added to chapter 66.12 RCW to read as follows:

The Washington wine commission created under section 3 of this act may purchase or receive donations of Washington wine from wineries and may use such wine for promotional purposes. Wine furnished to the commission under this section which is used within the state is subject to the taxes imposed under RCW 66.24.210. No license, permit, or bond is required of the Washington wine commission under this title for promotional activities conducted under chapter 15.— RCW (sections 1 through 10 of this act).

Sec. 15. Section 30, chapter 62, Laws of 1933 ex. sess. as last amended by section 2, chapter 13, Laws of 1983 and RCW 66.28.040 are each amended to read as follows:

Except as permitted by the board under RCW 66.20.010, no brewer, wholesaler, distiller, winery, importer, rectifier, or other manufacturer of liquor shall, within the state, by himself, his clerk, servant, or agent, give to any person any liquor; but nothing in this section nor in RCW 66.28.010 shall prevent a brewer, wholesaler, winery, or importer from furnishing samples of beer or wine to authorized licensees for the purpose of negotiating a sale, in accordance with regulations adopted by the liquor control board, provided that the samples are subject to taxes imposed by RCW 66.24.290 and 66.24.210; nothing in this section shall prevent the furnishing of samples of liquor to the board for the purpose of negotiating the sale of liquor to the state liquor control board; nothing in this section shall prevent a brewery, winery, or wholesaler from furnishing beer or wine for instructional purposes under RCW 66.28.150; nothing in this section shall prevent a winery or wholesaler from furnishing wine without charge to a not-for-profit group organized and operated solely for the purpose of enology or the study of viticulture which has been in existence for at least six months and any wine so furnished shall be used solely for such educational purposes, provided that the wine furnished shall be subject to the taxes imposed by RCW 66.24.210; nothing in this section shall prevent a brewer from serving beer without charge, on the brewery premises; nothing in this section shall prevent donations of wine for the purposes of section 14 of this 1987 act; and nothing in this section shall prevent a domestic winery from serving wine without charge, on the winery premises.

Sec. 16. Section 1, chapter 26, Laws of 1985 as amended by section 24, chapter 203, Laws of 1986 and RCW 15.04.200 are each amended to read as follows:

(1) Under the authority of Article VIII of the state Constitution as amended, agricultural commodity commission expenditures for agricultural development or trade promotion and promotional hosting by an agricultural commodities commission under chapters 15.24, 15.28, 15.44, 15.65, 15.66, 15.— (sections 1 through 10 of this 1987 act), and 16.67 RCW shall be pursuant to specific budget items as approved by the agricultural commodity commission at the annual public hearings on the agricultural commodity commission budget.

(2) Agricultural commodity commissions shall adopt rules governing promotional hosting expenditures by agricultural commodity commission employees, agents or commissioners. The rules shall identify officials and agents authorized to make expenditures and the objectives of the expenditures. Individual agricultural commodity commission commissioners shall make promotional hosting expenditures, or seek reimbursements for these expenditures, only in those instances where the expenditures have been approved by the agricultural commodity commission. All payments and reimbursements shall be identified and supported on vouchers.

(3) Agricultural commodity commissions shall be exempt from the requirements of RCW 43.01.090 and 43.19.500 and chapter 43.82 RCW.

**NEW SECTION.** Sec. 17. A new section is added to chapter 66.44 RCW to read as follows:

Nothing contained in chapter 15.— RCW (sections 1 through 10 of this act) shall affect the compliance by the Washington wine commission with this chapter.

**NEW SECTION.** Sec. 18. Sections 1 through 10 of this act shall constitute a new chapter in Title 15 RCW.

**NEW SECTION.** Sec. 19. This act shall be liberally construed to effectuate its purposes.

**NEW SECTION.** Sec. 20. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION.** Sec. 21. (1) Sections 1 through 9 and 11 through 20 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1987.

(2) Section 10 of this act shall take effect July 1, 1989.\*

On motion of Senator McDermott, the following amendment to the Committee on Ways and Means amendment was adopted:

On page 17, after "1987," on line 14 of the committee amendment, insert "All revenues collected under this subsection (3) shall be disbursed quarterly to the Washington wine commission for use in carrying out the purposes of chapter 15.— RCW (sections 1 through 10 of this 1987 act)."

The President declared the question before the Senate to be adoption of the Committee on Ways and Means amendment, as amended.

The motion by Senator Vognild carried and the committee amendment, as amended, was adopted.

## MOTIONS

On motion of Senator McDermott, the following title amendment was adopted:

On page 1, line 1 of the title, after "commission;" strike the remainder of the title and insert "amending RCW 66.24.210, 66.28.040, and 15.04.200; adding a new chapter to Title 15 RCW; adding a new section to chapter 66.08 RCW; adding new sections to chapter 66.12 RCW; adding a new section to chapter 66.44 RCW; creating a new section; providing effective dates; and declaring an emergency."

On motion of Senator McDermott, the rules were suspended, Second Substitute House Bill No. 569, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Metcalf: "Senator Benitz, what is the weighted voting? Is that done in any of the agricultural commissions around and what is the weighted voting and the purpose of it? I am a little nervous about the larger getting more of a vote."

Senator Benitz: "The bill was changed from its original form to where no one winery can have fifty percent or more of the vote. For a winery to have a weighted vote of more than fifty percent--that has been changed. A large winery would have to go with a couple of small wineries to have that majority. The weighted vote has been changed. It does not exist so that one winery could control--no way."

Further debate ensued.

## POINT OF INQUIRY

Senator Smitherman: "Senator Benitz, I was just wondering. I received a little notice here discussing a party that is to be held this afternoon--a wine tasting party. I was wondering if this has been timed so that it went along with this particular bill?"

Senator Benitz: "Senator, I intended to respond to that issue on a note of personal privilege as soon as this bill is over with, especially if the vote is quite affirmative."

## MOTION

On motion of Senator Talmadge, Senator Moore was excused.

The President declared the question before the Senate to be the roll call on final passage of Second Substitute House Bill No. 569, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of Second Substitute House Bill No. 569, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; nays, 5; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDermott, McDonald, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Tanner, Vogt, Reichbauer, Warnke, West, Williams, Wojahn - 43.

Voting nay: Senators Craswell, Kreidler, Metcalf, Talmadge, Zimmerman - 5.

Excused: Senator Moore - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 569, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## PERSONAL PRIVILEGE

Senator Benitz: "Mr. President, I request a point of personal privilege. I wish to thank all of you for the vote. I think we are on our way. In response to Senator Smitherman, if the time can be worked out to where the time is available this evening by the time we quit, and if it isn't too late, I invite you to the area of Senators Hayner and Sellar offices. We will taste one German wine to get a comparison and then several Washington premium wines--and I think you will enjoy them. We will have some cheese from the Yakima Valley from Senator Newhouse to kind of

help the taste of the wine along. You are most welcome upon adjournment this afternoon. If we can't do it this afternoon, we'll do it the first time we can."

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGES FROM THE HOUSE

April 13, 1987

Mr. President:

The Speaker has signed:

SENATE BILL NO. 5080,  
 SENATE BILL NO. 5085,  
 SENATE BILL NO. 5164,  
 SENATE BILL NO. 5205,  
 SUBSTITUTE SENATE BILL NO. 5301,  
 SENATE BILL NO. 5348,  
 SUBSTITUTE SENATE BILL NO. 5371,  
 SENATE BILL NO. 5402,  
 SENATE BILL NO. 5410,  
 SENATE BILL NO. 5442,  
 SUBSTITUTE SENATE BILL NO. 5466,  
 SUBSTITUTE SENATE BILL NO. 5495,  
 SENATE BILL NO. 5597,  
 SENATE BILL NO. 5668,  
 SUBSTITUTE SENATE BILL NO. 5679,  
 SENATE BILL NO. 5740,  
 SUBSTITUTE SENATE BILL NO. 5761,  
 SENATE BILL NO. 5822,  
 SECOND SUBSTITUTE SENATE BILL NO. 5845,  
 SUBSTITUTE SENATE BILL NO. 5858,  
 SUBSTITUTE SENATE BILL NO. 5892,  
 SUBSTITUTE SENATE BILL NO. 5944,  
 SENATE BILL NO. 6065, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 13, 1987

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 55,  
 HOUSE BILL NO. 66,  
 HOUSE BILL NO. 136,  
 HOUSE BILL NO. 142,  
 SUBSTITUTE HOUSE BILL NO. 147,  
 SUBSTITUTE HOUSE BILL NO. 186,  
 HOUSE BILL NO. 205,  
 SUBSTITUTE HOUSE BILL NO. 232,  
 HOUSE BILL NO. 406,  
 SUBSTITUTE HOUSE BILL NO. 585,  
 HOUSE BILL NO. 628,  
 SUBSTITUTE HOUSE BILL NO. 648,  
 HOUSE BILL NO. 865,  
 HOUSE BILL NO. 1067,

SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 4407, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 13, 1987

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5180,  
 SENATE BILL NO. 5327,  
 SENATE BILL NO. 5571,

SUBSTITUTE SENATE BILL NO. 5594, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 42,  
 SUBSTITUTE HOUSE BILL NO. 60,  
 SUBSTITUTE HOUSE BILL NO. 298,  
 SUBSTITUTE HOUSE BILL NO. 424,  
 SUBSTITUTE HOUSE BILL NO. 522,  
 HOUSE BILL NO. 658,  
 HOUSE BILL NO. 1090.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 55,  
 HOUSE BILL NO. 66,  
 HOUSE BILL NO. 136,  
 HOUSE BILL NO. 142,  
 SUBSTITUTE HOUSE BILL NO. 147,  
 SUBSTITUTE HOUSE BILL NO. 186,  
 HOUSE BILL NO. 205,  
 SUBSTITUTE HOUSE BILL NO. 232,  
 HOUSE BILL NO. 406,  
 SUBSTITUTE HOUSE BILL NO. 585,  
 HOUSE BILL NO. 628,  
 SUBSTITUTE HOUSE BILL NO. 648,  
 HOUSE BILL NO. 865,  
 HOUSE BILL NO. 1067,  
 SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 4407.

MOTION

At 3:09 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 3:57 p.m. by President Cherberg.

There being no objection, the President advanced the Senate to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 746, by Committee on Transportation (originally sponsored by Representatives Walk, Schmidt, Zellinsky, Pruitt, Meyers, S. Wilson, Brough, Haugen, Heavey, Schoon, P. King and Betrozoff)

Establishing procedures for state purchase of passenger-only ferries.

The bill was read the second time.

MOTION

On motion of Senator Bender, the rules were suspended, Substitute House Bill No. 746 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 746.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 746 and the bill passed the Senate by the following vote: Yeas, 47; absent, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, West, Williams, Wojahn, Zimmerman

- 47.

Absent: Senators McDermott, Warnke - 2.

SUBSTITUTE HOUSE BILL NO. 746, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 379, by Representatives Chandler, Lux, Silver, Prince, Peery, Locke, Wang, P. King and Winsley (by request of Insurance Commissioner)

Regulating formation and operation of risk retention groups.

The bill was read the second time.

#### MOTION

On motion of Senator Moore, the rules were suspended, House Bill No. 379 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 379.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 379 and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator McDermott - 1.

HOUSE BILL NO. 379, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1165, by Committee on Commerce and Labor (originally sponsored by Representatives R. King and Patrick)

Authorizing athletic events forecasting contests.

The bill was read the second time.

#### MOTIONS

Senator Warnke moved that the following Committee on Commerce and Labor amendment be adopted:

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 34, chapter 4, Laws of 1987 and RCW 9.46.-- are each amended to read as follows:

(1) The legislature hereby authorizes any bona fide charitable or nonprofit organization which is licensed pursuant to RCW 66.24.400, and its officers and employees, to allow the use of the premises, furnishings, and other facilities not gambling devices of such organization by members of the organization, and members of a chapter or unit organized under the same state, regional, or national charter or constitution, who engage as players in the following types of gambling activities only:

(a) Social card games as defined in RCW 9.46.--- (1) through (4) (section 21 (1) through (4) ~~((of this act; and))~~, chapter 4, Laws of 1987);

(b) Social dice games, which shall be limited to contests of chance, the outcome of which are determined by one or more rolls of dice; and

(c) Athletic events forecasting contests in which a certain number of athletic events are available for selection on a weekly basis and the contestants selecting the most winners receive the prizes as set forth by the organization if all entry fees for the contests are returned to the players in the form of prizes and if all costs incurred by an organization conducting the contests are paid by the organizations.

(2) Bona fide charitable or nonprofit organizations shall not be required to be licensed by the commission in order to allow use of their premises in accordance with this section. However, the following conditions must be met:

(a) No organization, corporation, or person shall collect or obtain or charge any percentage of or shall collect or obtain any portion of the money or thing of value wagered or won by any of the players: PROVIDED, That a player may collect his or her winnings; and

(b) No organization, corporation, or person shall collect or obtain any money or thing of value from, or charge or impose any fee upon, any person which either enables him or her to play or results in or from his or her playing: PROVIDED, That this subsection shall not preclude collection of a membership fee which is unrelated to participation in gambling activities authorized under this section and shall not preclude the collection of the entry fee allowed for athletic event forecasting contests."

On motion of Senator Moore the following amendment by Senators Moore and Pullen to the Committee on Commerce and Labor amendment was adopted on a rising vote:

On page 3, after line 3, insert the following:

**NEW SECTION, Sec. 2.** The creation of an advisory committee within the office of the superintendent of public instruction to promote competition and research in mental sports such as chess, checkers, bridge, go, scholastic olympiads, and others will provide many benefits to the people of the state. Such an advisory committee will benefit the public by:

- (1) Enhancing the cognitive skills of students;
- (2) Promoting education, competition, and research in mental sports in the common schools and institutions of higher education of the state, as well as among the general public; and
- (3) Promoting tourism and economic development through the hosting of regional, national, and international tournaments in mental sports.

The legislature finds that mental sports promote intellectual development and offer the ultimate combination of art, science, and sport. The legislature also finds that while mental sports are best promoted through private sources, schools, and local units of government, the advisory committee can serve as a valuable catalyst to help achieve such promotion.

**NEW SECTION, Sec. 3.** As used in this chapter:

- (1) "Mental sports" includes chess, checkers, go, bridge, scholastic olympiads, and other nongambling games.
- (2) "Committee" or "advisory committee" means the mental sports competition and research advisory committee.

**NEW SECTION, Sec. 4.** (1) There is established the mental sports competition and research advisory committee within the office of the superintendent of public instruction. The committee consists of five persons appointed by the superintendent of public instruction. In making the appointments, the superintendent of public instruction shall select one person who is primarily a chess player, one person who is primarily a bridge player, one person who has experience promoting scholastic olympiads, and one person who is primarily a go player.

(2) The members of the committee shall serve terms of four years. However, in making the initial appointments, the superintendent of public instruction may provide for staggered terms. Vacancies shall be filled by appointment for the remainder of the unexpired term.

(3) Members of the committee shall not be compensated but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(4) The committee may adopt such rules as may be necessary in the administration of this chapter. The rules shall be adopted under chapter 34.04 RCW.

**NEW SECTION, Sec. 5.** The committee shall to the maximum extent feasible rely on volunteer labor. The superintendent of public instruction shall provide staff support if necessary.

**NEW SECTION, Sec. 6.** The committee may solicit, accept, and expend such gifts, grants, and endowments from public and private sources as may be made available to the committee.

**NEW SECTION, Sec. 7.** (1) The committee may promote and sponsor tournaments in any mental sport. Entry fees and prize funds may be set by the committee with a view toward maximizing public participation and raising revenue for the committee and promotional activities of the committee.

(2) The committee may sponsor exhibitions, lectures, and tournament participation by visiting mental sports masters.

(3) In conducting mental sports tournaments and events, the committee shall consult with and seek the cooperation of local and national mental sports clubs and federations.

**NEW SECTION, Sec. 8.** By January 9, 1989, the mental sports competition and research advisory committee shall submit to the legislature and the superintendent of public instruction a report that includes:

- (1) A summary of the committee's achievements;
- (2) Recommendations on enhancing the status of mental sports within the common schools;
- (3) Recommendations on promoting tournaments for the benefit of the general public; and
- (4) Recommendations regarding possible future state financial support of the committee.

**NEW SECTION, Sec. 9.** For the purposes of this act, athletic events forecasting contests may include mental sports.

NEW SECTION. Sec. 10. This act shall expire July 1, 1989.

NEW SECTION. Sec. 11. Sections 1 through 7 of this act shall constitute a new chapter in Title 67 RCW."

Re-number the sections consecutively and correct internal references accordingly.

The President declared the question before the Senate to be adoption of the Committee on Commerce and Labor amendment, as amended.

The motion by Senator Warnke carried and the committee amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Warnke, the following title amendments were considered simultaneously and adopted:

On page 1, line 1 of the title, after "contests;" strike the remainder of the title and insert "and amending section 34, chapter 4, Laws of 1987 and RCW 9.46.----."

On page 3 of the committee amendment, line 12 of the title, after "'RCW 9.46.----" insert "; adding a new chapter to Title 67 RCW; and providing an expiration date"

On motion of Senator Warnke, the rules were suspended, Substitute House Bill No. 1165, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### PARLIAMENTARY INQUIRY

Senator Rasmussen: "Mr. President, will this measure require a sixty percent vote?"

#### REPLY BY THE PRESIDENT

President Cherberg: "Yes, Senator."

Further debate ensued.

#### POINT OF INQUIRY

Senator Moore: "Senator Metcalf, have you ever played in a licensed card room in this state?"

Senator Metcalf: "No, I haven't."

Senator Moore: "Let me follow that question. Have you ever played poker?"

Senator Metcalf: "Absolutely."

Senator Moore: "Then you have been playing in an illegal game."

Senator Metcalf: "I will say this, I have no objection to gambling--none at all--if nobody makes a profit on it. That is the whole key and in answer to your question, I see nothing wrong with gambling, but when people make a profit and you introduce the profit motive, then you introduce something else."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1165, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1165, as amended by the Senate, and the bill failed to receive the necessary 60% majority by the following vote: Yeas, 19; nays, 29; absent, 1.

Voting yea: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, McCaslin, Moore, Owen, Peterson, Pullen, Sellar, Smitherman, Stratton, Talmadge, Vognilid, Warnke - 19.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, Garrett, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDonald, Metcalf, Nelson, Newhouse, Patterson, Rasmussen, Rinehart, Saling, Tanner, von Reichbauer, West, Williams, Wojahn, Zimmerman - 29.

Absent: Senator McDermott - 1.

SUBSTITUTE HOUSE BILL NO. 1165, as amended by the Senate, having failed to receive the constitutional 60% majority, was declared lost.

There being no objection, the Senate resumed consideration of House Bill No. 431 and the pending Committee on Transportation amendment on page 1, line 18, deferred earlier today.

## RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Bender, the President finds that House Bill No. 431 is a measure exempting emergency vehicles from restrictions on television receivers and headphones.

"The Committee on Transportation amendment provides a new category or permit for overlength loads on vehicles on certain highways.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The Committee on Transportation amendment was ruled out of order.

## MOTION

On motion of Senator Bender, the rules were suspended, House Bill No. 431 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 431.

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 431 and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator McDermott - 1.

HOUSE BILL NO. 431, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 629, by Representatives Fisch, Schmidt, Zellinsky, Gallagher, Haugen and J. Williams

Expanding the board's authority over pilot discipline.

The bill was read the second time.

## MOTIONS

On motion of Senator Vognild, the following Committee on Transportation amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 13, chapter 18, Laws of 1935 as last amended by section 1, chapter 121, Laws of 1986 and RCW 88.16.100 are each amended to read as follows:

(1) The board shall have power on its own motion or, in its discretion, upon the written request of any interested party, to investigate the performance of pilotage services subject to this chapter and to issue a reprimand, impose a fine against a pilot in an amount not to exceed five thousand dollars ~~((and))~~, suspend, withhold, or revoke the license of any pilot, or any combination of the above, for misconduct, incompetency, inattention to duty, intoxication, or failure to perform his duties under this chapter, or violation of any of the rules or regulations provided by the board for the government of pilots. The board may partially or totally stay any disciplinary action authorized in this subsection and subsection (2) of this section. The board shall have the power to require that a pilot satisfactorily complete a specific course of training or treatment.

(2) In all instances where a pilot licensed under this chapter performs pilot services on a vessel exempt under RCW 88.16.070, the board may on its own motion, or in its discretion upon the written request of any interested party, investigate whether the services were performed in a professional manner consistent with sound maritime practices. ~~((If the board finds that the pilotage services were performed in a negligent manner so as to endanger life, limb, or property, the board shall impose a fine of not more than five thousand dollars upon the offending pilot.))~~ If the board finds that the pilotage services were performed in a manner that constitutes an act of incompetence, misconduct, or negligence so as to endanger life, limb, or property, or violated or failed to comply with state laws or regulations intended to promote marine safety or to protect navigable waters, the board may issue a reprimand, impose a fine against a pilot

in an amount not to exceed five thousand dollars, suspend, withhold, or revoke the state pilot license, or any combination of the above. The board shall have the power to require that a pilot satisfactorily complete a specific course of training or treatment.

(3) The board shall implement a system of specified disciplinary actions or corrective actions, including training or treatment, that will be taken when a state licensed pilot in a specified period of time has had multiple disciplinary actions taken against the pilot's license pursuant to subsections (1) and (2) of this section. In developing these disciplinary or corrective actions, the board shall take into account the cause of the disciplinary action and the pilot's previous record.

(4) When the board determines that reasonable cause exists to issue a reprimand, impose a fine ((or)), suspend, revoke, or withhold any pilot's license or require training or treatment under subsection (1) or (2) of this section, it shall forthwith prepare and personally serve upon such pilot a notice advising him of the board's intended action, the specific grounds therefor, and the right to request a hearing to challenge the board's action. The pilot shall have thirty days from the date on which notice is served to request a full hearing before an administrative law judge on the issue of the reprimand, fine ((or)), suspension, revocation, or withholding of his pilot's license, or requiring treatment or training. The board's proposed reprimand, fine ((or)), suspension, revocation, or withholding of a license, or requiring treatment or training shall become final upon the expiration of thirty days from the date notice is served, unless a hearing has been requested prior to that time. When a hearing is requested the board shall request the appointment of an administrative law judge under chapter 34.12 RCW who has sufficient experience and familiarity with pilotage matters to be able to conduct a fair and impartial hearing. The hearing shall be governed by the provisions of Title 34 RCW. All final decisions of the administrative law judge shall be subject to review by the superior court of the state of Washington for Thurston county or by the superior court of the county in which the pilot maintains his residence or principal place of business, to which court any case with all the papers and proceedings therein shall be immediately certified by the administrative law judge if requested to do so by any party to the proceedings at any time within thirty days after the date of any such final decision. No appeal may be taken after the expiration of thirty days after the date of final decision. Any case so certified to the superior court shall be tried de novo and after certification of the record to said superior court the proceedings shall be had as in a civil action. Moneys collected from fines under this section shall be deposited in the pilotage account.

(5) The board shall have the power, on an emergency basis, to temporarily suspend a state pilot's license: (a) When a pilot has been involved in any vessel accident where there has been major property damage, loss of life, or loss of a vessel, or (b) where there is a reasonable cause to believe that a pilot has diminished mental capacity or is under the influence of drugs, alcohol, or other substances, when in the opinion of the board, such an accident or physical or mental impairment would significantly diminish that pilot's ability to carry out pilotage duties and that the public health, safety, and welfare requires such emergency action. The board shall make a determination within seventy-two hours whether to continue the suspension. The board shall develop rules for exercising this authority including procedures for the chairperson or vice-chairperson of the board to temporarily order such suspensions, emergency meetings of the board to consider such suspensions, the length of suspension, opportunities for hearings, and an appeal process. The board shall develop rules under chapter 34.04 RCW.

NEW SECTION. Sec. 2. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On motion of Senator Vognild, the rules were suspended, House Bill No. 629, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 629, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 629, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCain, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator McDermott - 1.

HOUSE BILL NO. 629, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 656, by Committee on Ways and Means/Appropriations (originally sponsored by Representatives Cole, Patrick, Wang, Sayan, Holm and Todd) (by request of Employment Security Department)

Establishing program and funding for services for the unemployed.

The bill was read the second time.

#### MOTION

On motion of Senator Warnke, the rules were suspended. Substitute House Bill No. 656 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 656.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 656 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalfe, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vogt, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE HOUSE BILL NO. 656, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 684, by Committee on Ways and Means/Appropriations (originally sponsored by Representatives Cooper, Holm, Patrick, Valle, Ballard, Crane, Lewis, Zellinsky, Schmidt, Haugen, Hargrove, Heavey, Bristow, Winsley, Todd, Allen, Rasmussen, Kremen, Baugher, Beck, Sanders, P. King, Moyer, Amondson, Brough, Fuhrman, L. Smith, Betzoff and Rayburn)

Revising provisions relating to criminal sentencing.

The bill was read the second time.

#### MOTIONS

Senator Talmadge moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 3, chapter 137, Laws of 1981 as last amended by section 17, chapter 257, Laws of 1986 and RCW 9.94A.030 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Commission" means the sentencing guidelines commission.

(2) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(3) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender. ~~((For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.))~~

(4) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed pursuant to this

chapter by a court. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5). For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(5) "Confinement" means total or partial confinement as defined in this section.

(6) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(7) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct.

(8) (a) "Criminal history" means the list of a defendant's prior convictions, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) "Criminal history" includes a defendant's prior convictions in juvenile court if: (i) The conviction was for an offense which is a felony and is criminal history as defined in RCW 13.40.020(6)(a); (ii) the defendant was fifteen years of age or older at the time the offense was committed; and (iii) with respect to prior juvenile class B and C felonies, the defendant was less than twenty-three years of age at the time the offense for which he or she is being sentenced was committed.

(9) "Department" means the department of corrections.

(10) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a fine or restitution. The fact that an offender through "earned early release" can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(11) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(12) "Escape" means:

(a) Escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), wilful failure to return from furlough (RCW 72.66.060), or wilful failure to return from work release (RCW 72.65.070); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(13) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), excluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(14) "Fines" means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

(15)(a) "First-time offender" means any person who is convicted of a felony not classified as a violent offense or a sex offense under this chapter, and except as provided in (b) of this subsection, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

(b) For purposes of (a) of this subsection, a juvenile adjudication for an offense committed before the age of fifteen years is not a previous felony conviction.

(16) "Nonviolent offense" means an offense which is not a violent offense.

(17) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(18) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state (~~or any the state~~) or any other unit of government, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release as defined in this section.

(19) "Restitution" means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.

(20) "Serious traffic offense" means:

(a) Driving while intoxicated (RCW 46.61.502), actual physical control while intoxicated (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(21) "Serious violent offense" is a subcategory of violent offense and means:

(a) Murder in the first degree, homicide by abuse, murder in the second degree, assault in the first degree, kidnapping in the first degree, or rape in the first degree, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(22) "Sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(23) "Sex offense" means:

(a) A felony that is a violation of chapter 9A.44 RCW or RCW 9A.64.020 or 9.68A.090 or that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(24) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(25) "Victim" means any person who has sustained physical or financial injury to person or property as a direct result of the crime charged.

(26) "Violent offense" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, rape in the second degree, kidnapping in the second degree, arson in the second degree, assault in the second degree, extortion in the first degree, robbery in the second degree, (vehicular homicide, and) vehicular assault, and vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in subsection (26)(a) of this section; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under subsection (26) (a) or (b) of this section.

(27) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school. Participation in work release shall be conditioned upon the offender attending work or school at regularly defined hours and abiding by the rules of the work release facility.

Sec. 2. Section 12, chapter 137, Laws of 1981 as last amended by section 20, chapter 257, Laws of 1986 and by section 4, chapter 301, Laws of 1986 and RCW 9.94A.120 are each re-enacted and amended to read as follows:

When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2), (5), and (7) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than three years, and shall not be eligible for furlough, work release or other authorized leave of absence from the correctional facility during such minimum three year term except for the purpose of commitment to an inpatient treatment facility. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section.

(5) In sentencing a first-time offender the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to two years of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

- (a) Devote time to a specific employment or occupation;
  - (b) Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for that offense;
  - (c) Pursue a prescribed, secular course of study or vocational training;
  - (d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;
  - (e) Report as directed to the court and a community corrections officer; or
  - (f) Pay a fine and/or accomplish some community service work.
- (6) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service work, a term of community supervision not to exceed one year, and/or a fine. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(7) (a) When an offender is convicted of a sex offense other than a violation of RCW 9A.44-.040 or RCW 9A.44.050 and has no prior convictions for a sex offense or any other felony sexual offenses in this or any other state, the sentencing court, on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

After receipt of the reports, the court shall then determine whether the offender and the community will benefit from use of this special sexual offender sentencing alternative. If the court determines that both the offender and the community will benefit from use of this provision, the court shall then impose a sentence within the sentence range and, if this sentence is less than six years of confinement, the court may suspend the execution of the sentence and place the offender on community supervision for up to two years. As a condition of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment;
- (iii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;
- (iv) Report as directed to the court and a community corrections officer;
- (v) Pay a fine, accomplish some community service work, or any combination thereof; or
- (vi) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime.

If the offender violates these sentence conditions the court may revoke the suspension and order execution of the sentence. All confinement time served during the period of community supervision shall be credited to the offender if the suspended sentence is revoked.

(b) When an offender is convicted of any felony sexual offense and is sentenced on or after July 1, 1987, to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, request the department of corrections to evaluate whether the offender is amenable to treatment and the department may place the offender in a treatment program within a correctional facility operated by the department.

If the offender completes the treatment program before the expiration of his term of confinement, the department of corrections may request the court to convert the balance of confinement to community supervision and to place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;
- (iii) Report as directed to the court and a community corrections officer;
- (iv) Undergo available outpatient treatment.

If the offender violates any of the terms of his community supervision, the court may order the offender to serve out the balance of his community supervision term in confinement in the custody of the department of corrections.

Nothing in (b) of this subsection shall confer eligibility for such programs for offenders convicted and sentenced prior to July 1, 1987.

After June 30, 1993, (b) of this subsection shall cease to have effect.

(c) Whenever a court sentences a person convicted of a sex offense committed after July 1, 1986, to a term of confinement of more than one year, including a sentence under (b) of this subsection, the court may also order, in addition to the other terms of the sentence, that the offender, upon release from confinement, serve up to two years of community supervision. The conditions of supervision shall be limited to:

(i) Crime-related provisions;

(ii) A requirement that the offender report to a community corrections officer at regular intervals; and

(iii) A requirement to remain within or without stated geographical boundaries.

The length and conditions of supervision shall be set by the court at the time of sentencing. However, within thirty days prior to release from confinement and throughout the period of supervision, the length and conditions of supervision may be modified by the sentencing court, upon motion of the department of corrections, the offender, or the prosecuting attorney. The period of supervision shall be tolled during any time the offender is in confinement for any reason. In no case may the period of supervision, in combination with the other terms of the offender's sentence, exceed the statutory maximum term for the offender's crime, as set forth in RCW 9A.20.021.

If the offender violates any condition of supervision, the sentencing court, after a hearing conducted in the same manner as provided for in RCW 9.94A.200, may order the offender to be confined for up to sixty days in the county jail at state expense from funds provided for this purpose to the department of corrections. Reimbursement rates for such purposes shall be established based on a formula determined by the office of financial management and reestablished each even-numbered year. An offender may be held in jail at state expense pending the hearing, and any time served while awaiting the hearing shall be credited against confinement imposed for a violation. Even after the period of supervision has expired, an offender may be confined for a violation occurring during the period of supervision. The court shall retain jurisdiction for the purpose of holding the violation hearing and imposing a sanction.

(8) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(9) If a sentence imposed includes a fine or restitution, the sentence shall specify a reasonable manner and time in which the fine or restitution shall be paid. In any sentence under this chapter the court may also require the offender to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary (a) to pay court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required, (b) to make recoupment of the cost of defense attorney's fees if counsel is provided at public expense, (c) to contribute to a county or interlocal drug fund, and (d) to make such other payments as provided by law. All monetary payments shall be ordered paid by no later than ten years after the date of the judgment of conviction.

(10) Except as provided under RCW 9.94A.140(1), a court may not impose a sentence providing for a term of confinement or community supervision which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(11) All offenders sentenced to terms involving community supervision, community service, restitution, or fines shall be under the supervision of the secretary of the department of corrections or such person as the secretary may designate and shall follow implicitly the instructions of the secretary including reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, and notifying the community corrections officer of any change in the offender's address or employment.

(12) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(13) A departure from the standards in RCW 9.94A.400(1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210(2) through (6).

(14) The court shall order restitution whenever the offender is convicted of a felony that results in injury to any person or damage to or loss of property, whether the offender is sentenced to confinement or placed under community supervision, unless extraordinary circumstances exist that make restitution inappropriate in the court's judgment. The court shall set forth the extraordinary circumstances in the record if it does not order restitution.

(15) As a part of any sentence, the court may impose and enforce an order that relates directly to the circumstances of the crime for which the offender has been convicted, prohibiting the offender from having any contact with other specified individuals or a specific class of

individuals for a period not to exceed the maximum allowable sentence for the crime, regardless of the expiration of the offender's term of community supervision.

(16) In any sentence of partial confinement, the court may require the defendant to serve the partial confinement in work release.

Sec. 3, Section 18, chapter 137, Laws of 1981 and RCW 9.94A.180 are each amended to read as follows:

(1) An offender sentenced to a term of partial confinement shall be confined in the facility for at least eight hours per day. The offender shall be required as a condition of partial confinement to report to the facility at designated times. An offender may be required to comply with crime-related prohibitions during the period of partial confinement.

(2) An offender in a county jail ordered to serve all or part of a term of less than one year in work release who violates the rules of the work release facility or fails to remain employed, or enrolled in school may be transferred to the appropriate county detention facility without further court order but shall, upon request, be notified of the right to request an administrative hearing on the issue of whether or not the offender failed to comply with the order and relevant conditions. Pending such hearing, or in the absence of a request for the hearing, the offender shall serve the remainder of the term of confinement as total confinement. This subsection shall not affect transfer or placement of offenders committed to the state department of corrections.

Sec. 4, Section 7, chapter 115, Laws of 1983 as last amended by section 25, chapter 257, Laws of 1986 and RCW 9.94A.360 are each amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules, partially summarized in Table 3, RCW 9.94A.330, are as follows:

The offender score is the sum of points accrued under ~~((subsections (1) through (14) of))~~ this section rounded down to the nearest whole number.

(1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed "other current offenses" within the meaning of RCW 9.94A.400.

(2) Except as provided in subsection(s) (3) ~~((and (13)))~~ of this section, class A prior felony convictions shall always be included in the offender score. Class B prior felony convictions shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without being convicted of any felonies. Class C prior felony convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without being convicted of any felonies. Serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without being convicted of any serious traffic or felony traffic offenses. This subsection applies to both adult and juvenile prior convictions. Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law.

(3) Include class A juvenile felonies only if the offender was 15 or older at the time the juvenile offense was committed. Include class B and C juvenile felony convictions only if the offender was 15 or older at the time the juvenile offense was committed and the offender was less than 23 at the time the offense for which he or she is being sentenced was committed.

(4) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

(5) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(a) Prior adult offenses which were found, under RCW 9.94A.400(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently whether those offenses shall be counted as one offense or as separate offenses, and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used;

(b) Juvenile prior convictions entered or sentenced on the same date shall count as one offense, the offense that yields the highest offender score; and

(c) In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. Use the conviction for the offense that yields the highest offender score.

(6) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense.

(7) If the present conviction is for a nonviolent offense and not covered by subsection (11)(c) or (12)(-or (-13)) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and 1/2 point for each juvenile prior nonviolent felony conviction.

(8) If the present conviction is for a violent offense and not covered in subsection (9), (10), (11), or (12) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(9) If the present conviction is for Murder 1 or 2, Assault 1, Kidnaping 1, or Rape 1, count three points for prior adult and juvenile convictions for crimes in these categories, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(10) If the present conviction is for Burglary 1, count prior convictions as in subsection (8) of this section; however count two points for each prior adult Burglary 2 conviction, and one point for each prior juvenile Burglary 2 conviction.

(11) If the present conviction is for a felony traffic offense count two points for each adult or juvenile prior conviction for Vehicular Homicide; count one point for each adult, and 1/2 point for each juvenile, prior conviction for each other felony offense or serious traffic offense.

(12) If the present conviction is for a drug offense count two points for each adult prior felony drug offense conviction and one point for each juvenile drug offense. All other adult and juvenile felonies are scored as in subsection (8) of this section if the current drug offense is violent, or as in subsection (7) of this section if the current drug offense is nonviolent.

(13) If the present conviction is for ~~((escape (Escape 1, RCW 9A.76.110; Escape 2, RCW 9A.76.120); Willful Failure to Return from Furlough, RCW 72.66.060(-and); or Willful Failure to Return from Work Release, RCW 72.65.070(3))~~), count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as 1/2 point.

(14) If the present conviction is for Escape 1, RCW 9A.76.110, or Escape 2, RCW 9A.76.120, count adult prior convictions as one point and juvenile prior convictions as 1/2 point.

(15) If the present conviction is for Burglary 2, count priors as in subsection (7) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 conviction, and one point for each juvenile prior Burglary 2 conviction.

Sec. 5. Section 11, chapter 115, Laws of 1983 as last amended by section 28, chapter 257, Laws of 1986 and RCW 9.94A.400 are each amended to read as follows:

(1) (a) Except as provided in (b) of this subsection, whenever a person is to be sentenced for two or more current offenses, the sentence range for each current offense shall be determined by using all other current and prior convictions as if they were prior convictions for the purpose of the offender score: PROVIDED, That if the court enters a finding that some or all of the current offenses encompass the same criminal conduct then those current offenses shall be counted as one crime and the offender shall be sentenced for the current offense with the highest offender score. Sentences imposed under this subsection shall be served concurrently. Consecutive sentences may only be imposed under the exceptional sentence provisions of RCW 9.94A.120 and 9.94A.390(2)(e) or any other provision of RCW 9.94A.390.

(b) Whenever a person is convicted of three or more serious violent offenses, as defined in RCW 9.94A.330, arising from separate and distinct criminal conduct, the sentence range for the offense with the highest seriousness level under RCW 9.94A.320 shall be determined using the offender's criminal history in the offender score and the sentence range for other serious violent offenses shall be determined by using an offender score of zero. The sentence range for any offenses that are not serious violent offenses shall be determined according to (a) of this subsection. All sentences imposed under (b) of this subsection shall be served consecutively to each other and concurrently with sentences imposed under (a) of this subsection.

(2) Whenever a person while under sentence of felony commits another felony and is sentenced to another term of imprisonment, the latter term shall not begin until expiration of all prior terms.

(3) Subject to subsections (1) and (2) of this section, whenever a person is sentenced for a felony that was committed while the person was not under sentence of a felony, the sentence shall run concurrently with any felony sentence which has been imposed by any court in this or another state or by a federal court subsequent to the commission of the crime being sentenced unless the court pronouncing the current sentence expressly orders that they be served consecutively.

(4) Whenever any person granted probation under RCW 9.95.210 or 9.92.060, or both, has the probationary sentence revoked and a prison sentence imposed, that sentence shall run consecutively to any sentence imposed pursuant to this chapter, unless the court pronouncing the subsequent sentence expressly orders that they be served concurrently.

(5) However, in the case of consecutive sentences, all periods of total confinement shall be served before any partial confinement, community service, community supervision, or any other requirement or conditions of any of the sentences.

NEW SECTION. Sec. 6. A new section is added to chapter 9A.32 RCW to read as follows:

(1) A person is guilty of homicide by abuse if, under circumstances manifesting an extreme indifference to human life, the person causes the death of a child or person under sixteen years of age, a developmentally disabled person, or a dependent adult, and the person has previously engaged in a pattern or practice of assault or torture of said child, person under sixteen years of age, developmentally disabled person, or dependent person.

(2) As used in this section, "dependent adult" means a person who, because of physical or mental disability, or because of extreme advanced age, is dependent upon another person to provide the basic necessities of life.

(3) Homicide by abuse is a class A felony.

Sec. 7. Section 9A.32.010, chapter 260, Laws of 1975 1st ex. sess. as amended by section 1, chapter 10, Laws of 1983 and RCW 9A.32.010 are each amended to read as follows:

Homicide is the killing of a human being by the act, procurement or omission of another, death occurring within three years and a day, and is either (1) murder, (2) homicide by abuse, (3) manslaughter, ((3)) (4) excusable homicide, or ((4)) (5) justifiable homicide.

Sec. 8. Section 3, chapter 115, Laws of 1983 as last amended by section 23, chapter 257, Laws of 1986 and RCW 9.94A.320 are each amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XIV	Aggravated Murder 1 (RCW 10.95.020)
XIII	Murder 1 (RCW 9A.32.030)
	<u>Homicide by abuse (section 1 of this 1987 act)</u>
XII	Murder 2 (RCW 9A.32.050)
XI	Assault 1 (RCW ((9A.36.010)) <u>9A.36.011</u> )
X	Kidnapping 1 (RCW 9A.40.020)
	Rape 1 (RCW 9A.44.040)
	Damaging building, etc., by explosion with threat to human being (RCW 70.74.280(1))
	Over 18 and deliver heroin or narcotic from Schedule I or II to someone under 18 and 3 years junior (RCW 69.50.406)
	Leading Organized Crime (RCW 9A.82.060(1)(a))
IX	Robbery 1 (RCW 9A.56.200)
	Manslaughter 1 (RCW 9A.32.060)
	Statutory Rape 1 (RCW 9A.44.070)
	Explosive devices prohibited (RCW 70.74.180)
	Endangering life and property by explosives with threat to human being (RCW 70.74.270)
	Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)
	Sexual Exploitation, Under 16 (RCW 9.68A.040(2)(a))
	Inciting Criminal Profiteering (RCW ((9A.82.061(1)(b))) <del>(RCW 9A.82.060(1)(b))</del> )
VIII	Arson 1 (RCW 9A.48.020)
	Rape 2 (RCW 9A.44.050)
	Promoting Prostitution 1 (RCW 9A.88.070)
	Selling heroin for profit (RCW 69.50.410)
VII	Burglary 1 (RCW 9A.52.020)
	Vehicular Homicide (RCW 46.61.520)
	Introducing Contraband 1 (RCW 9A.76.140)
	Statutory Rape 2 (RCW 9A.44.080)
	Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
	Sexual Exploitation, Under 18 (RCW 9.68A.040(2)(b))
	Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
	Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
VI	Bribery (RCW 9A.68.010)
	Manslaughter 2 (RCW 9A.32.070)
	Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
	Damaging building, etc., by explosion with no threat to human being (RCW 70.74.280(2))
	Endangering life and property by explosives with no threat to human being (RCW 70.74.270)
	Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) ((and)) <sub>2</sub> c) <sub>2</sub> and (d))

- Incest 1 (RCW 9A.64.020(1))
- Selling for profit (controlled or counterfeit) any controlled substance (except heroin) (RCW 69.50.410)
- Manufacture, deliver, or possess with intent to deliver heroin or narcotics from Schedule I or II (RCW 69.50.401(a)(1)(i))
- V Intimidating a Judge (RCW 9A.72.160)
- Rape 3 (RCW 9A.44.060)
- Kidnapping 2 (RCW 9A.40.030)
- Extortion 1 (RCW 9A.56.120)
- Incest 2 (RCW 9A.64.020(2))
- Perjury 1 (RCW 9A.72.020)
- Extortionate Extension of Credit (RCW 9A.82.020)
- Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
- Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
- Rendering Criminal Assistance 1 (RCW 9A.76.070)
- IV Robbery 2 (RCW 9A.56.210)
- Assault 2 (RCW (~~9A.36.020~~) 9A.36.021)
- Escape 1 (RCW 9A.76.110)
- Arson 2 (RCW 9A.48.030)
- Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
- Malicious Harassment (RCW 9A.36.080)
- Wilful Failure to Return from Furlough (RCW 72.66.060)
- Hit and Run -- Injury Accident (RCW 46.52.020(4))
- Vehicular Assault (RCW 46.61.522)
- Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana) (RCW 69.50.401(a)(1)(ii) through (iv))
- Influencing Outcome of Sporting Event (RCW 9A.82.070)
- Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
- Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
- III Statutory Rape 3 (RCW 9A.44.090)
- Extortion 2 (RCW 9A.56.130)
- Unlawful Imprisonment (RCW 9A.40.040)
- Assault 3 (RCW (~~9A.36.030~~) 9A.36.031)
- Unlawful possession of firearm or pistol by felon (RCW 9A.41.040)
- Harassment (RCW 9A.46.020)
- Promoting Prostitution 2 (RCW 9A.88.080)
- Wilful Failure to Return from Work Release (RCW 72.65.070)
- Introducing Contraband 2 (RCW 9A.76.150)
- Communication with a Minor for Immoral Purposes (RCW 9A.68A.090)
- Patronizing a Juvenile Prostitute (RCW 9A.68A.100)
- Escape 2 (RCW 9A.76.120)
- Perjury 2 (RCW 9A.72.030)
- Intimidating a Public Servant (RCW 9A.76.180)
- Tampering with a Witness (RCW 9A.72.120)
- Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(ii))
- Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
- II Theft of livestock 1 (RCW 9A.56.080)
- Malicious Mischief 1 (RCW 9A.48.070)
- Possession of Stolen Property 1 (RCW 9A.56.150)
- Theft 1 (RCW 9A.56.030)
- Theft of Livestock 2 (RCW 9A.56.080)
- Burglary 2 (RCW 9A.52.030)
- Possession of controlled substance that is either heroin or narcotics from Schedule I or II (RCW 69.50.401(d))
- Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
- I Computer Trespass 1 (RCW 9A.52.110)
- Theft 2 (RCW 9A.56.040)
- Possession of Stolen Property 2 (RCW 9A.56.160)
- Forgery (RCW 9A.60.020)
- Taking Motor Vehicle Without Permission (RCW 9A.56.070)
- Vehicle Prowl 1 (RCW 9A.52.095)
- Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
- Malicious Mischief 2 (RCW 9A.48.080)
- Reckless Burning 1 (RCW 9A.48.040)
- Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
- False Verification for Welfare (RCW 74.08.055)

Forged Prescription (RCW 69.41.020)

Forged Prescription for a Controlled Substance (RCW 69.50.403)

Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (RCW 69.50.401(d))"

On motion of Senator Halsan, the following amendment to the Committee on Ways and Means amendment was adopted:

On page 16, line 12, after "9.94A.390." insert "Same criminal conduct," as used in this subsection, means two or more crimes that require the same criminal intent, are committed at the same time and place, and involve the same victim. This definition does not apply in cases involving vehicular assault or vehicular homicide if the victims occupied the same vehicle. However, the sentencing judge may consider multiple victims in such instances as an aggravating circumstance under RCW 9.94A.390."

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Halsan moved to reconsider the vote by which the amendment by Senator Halsan on page 16, line 12, to the Committee on Ways and Means amendment was just adopted.

The President declared the question before the Senate to be the motion by Senator Halsan to reconsider the vote by which the amendment by Senator Halsan on page 16, line 12, to the Committee on Ways and Means amendment was just adopted.

The motion by Senator Halsan carried and the Senate commenced reconsideration of the amendment on page 16, line 12, to the Committee on Ways and Means amendment.

#### MOTION

On motion of Senator Halsan, and there being no objection, the amendment on page 16, line 12, to the Committee on Ways and Means amendment was withdrawn.

#### MOTIONS

On motion of Senator Nelson, the following amendment by Senators Nelson, Talmadge, Halsan and Newhouse to the Committee on Ways and Means amendment was adopted:

On page 27, line 23, after "9.94A.390." insert "Same criminal conduct," as used in this subsection, means two or more crimes that require the same criminal intent, are committed at the same time and place, and involve the same victim. This definition does not apply in cases involving vehicular assault or vehicular homicide if the victims occupied the same vehicle. However, the sentencing judge may consider multiple victims in such instances as an aggravating circumstance under RCW 9.94A.390."

On motion of Senator Williams, the following amendment to the Committee on Ways and Means amendment was adopted:

On page 37, after line 22, insert the following:

"Sec. 9. Section 1, chapter 172, Laws of 1935 as last amended by section 1, chapter 232, Laws of 1983 and RCW 9.41.010 are each amended to read as follows:

(1) "Short firearm" or "pistol" as used in this chapter means any firearm with a barrel less than twelve inches in length.

(2) "Crime of violence" as used in this chapter means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, rape in the second degree, kidnapping in the second degree, arson in the second degree, assault in the second degree, extortion in the first degree, burglary in the second degree, and robbery in the second degree;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, which is comparable to a felony classified as a crime of violence in subsection (2) (a) of this section; and

(c) Any federal or out-of-state conviction for an offense comparable to a felony classified as a crime of violence under subsection (2) (a) or (b) of this section.

(3) "Firearm" as used in this chapter means a weapon or device from which a projectile may be fired by an explosive such as gunpowder.

(4) "Commercial seller" as used in this chapter means a person who has a federal firearms license.

(5) "Electric weapon" means any device that is designed, redesigned, used, or intended to be used, offensively or defensively, to immobilize or incapacitate persons by the use of electric current.

**NEW SECTION.** Sec. 10. A new section is added to chapter 9.41 RCW to read as follows:

Any person, other than a police officer in the lawful performance of his or her duties, who administers an electric shock with an electric weapon to another person for reasons other than self-defense or without the permission of the second person is guilty of a class B felony.

**NEW SECTION.** Sec. 11. A new section is added to chapter 43.101 RCW to read as follows:

The commission shall adopt rules establishing training standards for law enforcement officers using electric weapons."

#### MOTIONS

On motion of Senator Tanner, the following amendment to the Committee on Ways and Means amendment was adopted:

On page 37, after line 22, insert the following:

"Sec. 9. Section 2, chapter 428, Laws of 1985 and RCW 9.41.300 are each amended to read as follows:

(1) It is unlawful for any person to enter the following places when he or she knowingly possesses or knowingly has under his or her control a firearm:

(a) The restricted access areas of a jail, or of a law enforcement facility, or any place used for the confinement of a person (i) arrested for, charged with, or convicted of an offense, (ii) charged with being or adjudicated to be a juvenile offender as defined in RCW 13.40.020, (iii) held for extradition or as a material witness, or (iv) otherwise confined pursuant to an order of a court, except an order under chapter 13.32A or 13.34 RCW. Restricted access areas do not include common areas of egress or ingress open to the general public;

(b) A courtroom or judge's chamber, while either is being used for any judicial proceeding. This does not include common areas of egress and ingress of the courthouse;

(c) The restricted access areas of a public mental health facility certified by the department of social and health services for inpatient hospital care and state institutions for the care of the mentally ill, excluding those facilities solely for evaluation and treatment. Restricted access areas do not include common areas of egress and ingress open to the general public; or

(d) That portion of an establishment classified by the state liquor control board as off-limits to persons under twenty-one years of age.

(2) Notwithstanding RCW 9.41.290, cities, towns, counties, and other municipalities may enact laws and ordinances:

(a) Restricting the discharge of firearms in any portion of their respective jurisdictions where there is a reasonable likelihood that humans, domestic animals, or property will be jeopardized. Such laws and ordinances shall not abridge the right of the individual guaranteed by Article I, section 24 of the state Constitution to bear arms in defense of self or others; and

(b) Restricting the possession of firearms in any stadium or convention center, operated by a city, town, county, or other municipality, except that such restrictions shall not apply to:

(i) Any firearm in the possession of a person licensed under RCW 9.41.070; or

(ii) Any showing, demonstration, or lecture involving the exhibition of firearms.

(3) The perimeter of the premises of any specific location covered by subsection (1) of this section shall be posted at reasonable intervals to alert the public as to the existence of any law restricting the possession of firearms on the premises.

(4) Subsection (1) of this section does not apply to:

(a) A person engaged in military activities sponsored by the federal or state governments, while engaged in official duties;

(b) Law enforcement personnel; or

(c) Security personnel while engaged in official duties.

(5) Subsection (1)(a) of this section does not apply to a person licensed pursuant to RCW 9.41.070 who, upon entering the place or facility, directly and promptly proceeds to the administrator of the facility or the administrator's designee and obtains written permission to possess the firearm while on the premises or checks his or her firearm. The person may reclaim the firearms upon leaving but must immediately and directly depart from the place or facility.

(6) Subsection (1)(b) of this section does not apply to a judge or court employee or to any person licensed under RCW 9.41.070 who, before entering the restricted area, directly and promptly proceeds to the court administrator or the administrator's designee and obtains written permission to possess the firearm.

(7) Subsection (1)(c) of this section does not apply to any administrator or employee of the facility or to any person who, upon entering the place or facility, directly and promptly proceeds to the administrator of the facility or the administrator's designee and obtains written permission to possess the firearm while on the premises.

(8) Subsection (1)(~~(c)~~)(e) of this section does not apply to the proprietor of the premises or his or her employees while engaged in their employment.

(9) Any person violating subsection (1) of this section is guilty of a misdemeanor.

(10) A public college or university may adopt rules to control or limit the possession of firearms by students while the students are residing in or visiting the residential area and dwelling rooms of a residence hall for single students under the jurisdiction of such college or university. The rules may provide for disciplinary action, but the maximum penalty that may be imposed is expulsion from the college or university. Each public college or university choosing to restrict the possession of firearms by students in single student residence halls must provide a safe place of storage of students' firearms and release the firearms to the students for use in university-sanctioned activities such as college shooting clubs, competitive shooting teams, firearm use instruction, or military training. The public college or university shall also promptly release the firearms to students for personal, private use in lawful, off-campus activities. The student shall not be subject to disciplinary action if, after retrieving his or her firearms, he or she promptly leaves the campus, or, if the firearms are needed for on-campus use in university-sanctioned activities, he or she maintains on-campus possession of the firearms for the minimum time required. After use, the student shall promptly return the firearms to storage. Nothing contained in this subsection shall require the student to utilize university storage facilities, and he or she may instead choose to arrange for private, off-campus storage.

On motion of Senator Newhouse, the following amendment by Senators Newhouse, Talmadge, Halsan and Nelson to the Committee on Ways and Means amendment was adopted:

On page 37 of the committee amendment, after line 22, insert the following:

\*Sec. 9, Section 24, chapter 121, Laws of 1965 ex. sess. as last amended by section 2, chapter 407, Laws of 1985 and RCW 46.20.285 are each amended to read as follows:

The department shall forthwith revoke the license of any driver for the period of one calendar year unless otherwise provided in this section, upon receiving a record of the driver's conviction of any of the following offenses, when the conviction has become final:

(1) For vehicular homicide the period of revocation shall be two years or as established by the court under RCW 46.61.520;

(2) For vehicular assault the period of revocation shall be one year or as established by the court under RCW 46.61.522;

(3) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders him incapable of safely driving a motor vehicle, upon a showing by the department's records that the conviction is the second such conviction for the driver within a period of five years. Upon a showing that the conviction is the third such conviction for the driver within a period of five years, the period of revocation shall be two years;

(4) Any felony in the commission of which a motor vehicle is used;

(5) Failure to stop and give information or render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;

(6) Perjury or the making of a false affidavit or statement under oath to the department under Title 46 RCW or under any other law relating to the ownership or operation of motor vehicles;

(7) Reckless driving upon a showing by the department's records that the conviction is the third such conviction for the driver within a period of two years.

Sec. 10, Section 46.56.040, chapter 12, Laws of 1961 as last amended by section 1, chapter 164, Laws of 1983 and RCW 46.61.520 are each amended to read as follows:

(1) When the death of any person ensues within three years as a proximate result of injury proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug, as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner or with disregard for the safety of others, the person so operating such vehicle is guilty of vehicular homicide.

(2) Vehicular homicide is a class B felony punishable under chapter 9A.20 RCW. In addition to any penalties imposed under that chapter, the court shall establish a period of driver's license revocation for the vehicle operator of not less than two nor more than ten years. Pursuant to RCW 46.20.285, the department shall revoke the operator's license for that period, or if not established by the court, then for a period of two years.

Sec. 11, Section 2, chapter 164, Laws of 1983 and RCW 46.61.522 are each amended to read as follows:

(1) A person is guilty of vehicular assault if he operates or drives any vehicle:

(a) In a reckless manner, and this conduct is the proximate cause of serious bodily injury to another; or

(b) While under the influence of intoxicating liquor or any drug, as defined by RCW 46.61.502, and this conduct is the proximate cause of serious bodily injury to another.

(2) "Serious bodily injury" means bodily injury which involves a substantial risk of death, serious permanent disfigurement, or protracted loss or impairment of the function of any part or organ of the body.

(3) Vehicular assault is a class C felony punishable under chapter 9A.20 RCW. In addition to any penalties imposed under that chapter, the court shall establish a period of driver's license revocation for the vehicle operator of not less than one nor more than five years. Pursuant to RCW 46.20.285, the department shall revoke the operator's license for that period, or if not established by the court, then for a period of one year.

On motion of Senator Halsan, the following amendment by Senators Halsan, Talmadge, Nelson and Newhouse to the Committee on Ways and Means amendment was adopted:

On page 37, line 22, after "(RCW 69.50.401(d))" insert the following:

**NEW SECTION.** Sec. 9. The legislature finds that many minor offenses that are established as misdemeanors are obsolete or can be more appropriately punished by the imposition of civil fines. The legislature finds that some misdemeanors should be decriminalized to allow resources of the legal system, such as judges, prosecutors, juries, and jails, to be used to punish serious criminal behavior, since acts characterized as criminal behavior have a tremendous fiscal impact on the legal system.

The establishment of a system of civil infractions is a more expeditious and less expensive method of disposing of minor offenses and will decrease the cost and workload of the courts of limited jurisdiction.

**NEW SECTION.** Sec. 10. A task force on civil infractions is established. The membership of the task force is as follows: (1) Two members of the senate committee on judiciary selected by the chairman, one from each of the two major political parties; (2) two members of the house of representatives' committee on judiciary selected by the chairman, one from each of the two major political parties; (3) one person representing prosecuting attorneys selected by the Washington association of prosecuting attorneys; (4) one person representing municipal attorneys selected by the Washington state association of municipal attorneys; (5) one person representing cities selected by the association of Washington cities; (6) one person representing counties selected by the Washington state association of counties; (7) one person representing law enforcement selected by the Washington association of sheriffs and police chiefs; (8) one person representing the courts of limited jurisdiction selected by the Washington state magistrates' association; (9) one person representing misdemeanor corrections officers selected by the Washington state misdemeanor corrections officers' association; (10) one person representing defense attorneys selected by the Washington defender association; and (11) one person representing court administrators selected by the Washington state association of court administrators.

Members of the task force shall select the chairperson. The staff of the house and senate judiciary committees shall serve as the staff for the task force. Members of the task force shall be reimbursed for travel expenses as provided in RCW 44.04.120, 43.03.050, and 43.03.060, respectively.

This section shall expire July 1, 1989.

**NEW SECTION.** Sec. 11. The task force shall study the various crimes designated as misdemeanors and gross misdemeanors in this state and determine if the offense should be classified as a civil infraction under this chapter or if the penalty for the offense should be eliminated or otherwise modified. In making these determinations, the task force shall consider the following: (1) The existing and predicted workload of the courts of limited jurisdiction; (2) the fiscal impact on the court system of characterizing certain behavior as criminal, including the cost of appointed counsel for indigents, jury trials, and jail facilities; (3) using resources of the legal system, such as judges, prosecutors, and juries, to punish minor offenses; (4) the willingness of prosecutors and judges to apply the sanctions of incarceration; (5) stigmas attached to persons convicted of violating criminal statutes; (6) the cost and benefits of implementing an alternative system for effectively and efficiently handling minor offenses; and (7) any other relevant factors affecting the classification.

The task force shall report its findings and recommendations to the legislature no later than June 30, 1989.

This section shall expire July 1, 1989.

**NEW SECTION.** Sec. 12. (1) All violations of state law, local law, ordinance, regulation, or resolution designated as civil infractions may be heard and determined by a district court, except as otherwise provided in this section.

(2) Any municipal court has the authority to hear and determine pursuant to this chapter civil infractions that are established by municipal ordinance and that are committed within the jurisdiction of the municipality.

(3) Any city or town with a municipal court under chapter 3.50 RCW may contract with the county to have civil infractions that are established by city or town ordinance and that are committed within the city or town adjudicated by a district court.

(4) District court commissioners have the authority to hear and determine civil infractions pursuant to this chapter.

(5) Nothing in this chapter prevents any city, town, or county from hearing and determining civil infractions pursuant to its own system established by ordinance.

**NEW SECTION.** Sec. 13. Notwithstanding any other provision of law governing service of process in civil cases, a court of limited jurisdiction having jurisdiction over an alleged civil infraction may issue process anywhere within the state.

**NEW SECTION.** Sec. 14. All judges and court commissioners adjudicating civil infractions shall complete such training requirements as are promulgated by the supreme court.

**NEW SECTION.** Sec. 15. As used in this chapter, "enforcement officer" means a person authorized to enforce the provisions of the title or ordinance in which the civil infraction is established.

**NEW SECTION.** Sec. 16. (1) A civil infraction proceeding is initiated by the issuance, service, and filing of a notice of civil infraction.

(2) A notice of civil infraction may be issued by an enforcement officer when the civil infraction occurs in the officer's presence.

(3) A court may issue a notice of civil infraction if an enforcement officer files with the court a written statement that the civil infraction was committed in the officer's presence or that the officer has reasonable cause to believe that a civil infraction was committed.

(4) Service of a notice of civil infraction issued under subsection (2) or (3) of this section shall be as provided by court rule. Until such a rule is adopted, service shall be as provided in JTR 2.2(c)(1) and (3), as applicable.

(5) A notice of infraction shall be filed with a court having jurisdiction within forty-eight hours of issuance, excluding Saturdays, Sundays, and holidays. A notice of infraction not filed within the time limits prescribed in this section may be dismissed without prejudice.

**NEW SECTION.** Sec. 17. A person who is to receive a notice of civil infraction under section 16 of this act is required to identify himself or herself to the enforcement officer by giving his or her name, address, and date of birth. Upon the request of the officer, the person shall produce reasonable identification, including a driver's license or identicaid.

A person who is unable or unwilling to reasonably identify himself or herself to an enforcement officer may be detained for a period of time not longer than is reasonably necessary to identify the person for purposes of issuing a civil infraction.

Each agency authorized to issue civil infractions shall adopt rules on identification and detention of persons committing civil infractions.

**NEW SECTION.** Sec. 18. (1) A notice of civil infraction represents a determination that a civil infraction has been committed. The determination is final unless contested as provided in this chapter.

(2) The form for the notice of civil infraction shall be prescribed by rule of the supreme court and shall include the following:

(a) A statement that the notice represents a determination that a civil infraction has been committed by the person named in the notice and that the determination is final unless contested as provided in this chapter;

(b) A statement that a civil infraction is a noncriminal offense for which imprisonment may not be imposed as a sanction;

(c) A statement of the specific civil infraction for which the notice was issued;

(d) A statement of the monetary penalty established for the civil infraction;

(e) A statement of the options provided in this chapter for responding to the notice and the procedures necessary to exercise these options;

(f) A statement that at any hearing to contest the determination the state has the burden of proving, by a preponderance of the evidence, that the civil infraction was committed and that the person may subpoena witnesses including the enforcement officer who issued the notice of civil infraction;

(g) A statement that at any hearing requested for the purpose of explaining mitigating circumstances surrounding the commission of the civil infraction, the person will be deemed to have committed the civil infraction and may not subpoena witnesses;

(h) A statement that the person must respond to the notice as provided in this chapter within fifteen days;

(i) A statement that failure to respond to the notice or a failure to appear at a hearing requested for the purpose of contesting the determination or for the purpose of explaining mitigating circumstances will result in a default judgment against the person in the amount of the penalty and that this failure may be referred to the prosecuting attorney for criminal prosecution for failure to respond or appear;

(j) A statement, which the person shall sign, that the person promises to respond to the notice of civil infraction in one of the ways provided in this chapter;

(k) A statement that failure to respond to a notice of civil infraction as promised or to appear at a requested hearing is a misdemeanor and may be punished by a fine or imprisonment in jail.

**NEW SECTION.** Sec. 19. (1) Any person who receives a notice of civil infraction shall respond to such notice as provided in this section within fifteen days of the date of the notice.

(2) If the person determined to have committed the civil infraction does not contest the determination, the person shall respond by completing the appropriate portion of the notice of civil infraction and submitting it, either by mail or in person, to the court specified on the notice.

A check or money order in the amount of the penalty prescribed for the civil infraction must be submitted with the response. The clerk of a court may accept cash in payment for an infraction. When a response which does not contest the determination is received, an appropriate order shall be entered in the court's records.

(3) If the person determined to have committed the civil infraction wishes to contest the determination, the person shall respond by completing the portion of the notice of civil infraction requesting a hearing and submitting it, either by mail or in person, to the court specified on the notice. The court shall notify the person in writing of the time, place, and date of the hearing, and that date shall not be earlier than seven days nor more than ninety days from the date of the notice of hearing, except by agreement.

(4) If the person determined to have committed the civil infraction does not contest the determination but wishes to explain mitigating circumstances surrounding the infraction, the person shall respond by completing the portion of the notice of civil infraction requesting a hearing for that purpose and submitting it, either by mail or in person, to the court specified on the notice. The court shall notify the person in writing of the time, place, and date of the hearing, and that date shall not be earlier than seven days nor more than ninety days from the date of the notice of hearing, except by agreement.

(5) The court shall enter a default judgment assessing the monetary penalty prescribed for the civil infraction and may notify the prosecuting attorney of the failure to respond to the notice of civil infraction or to appear at a requested hearing if any person issued a notice of civil infraction:

(a) Fails to respond to the notice of civil infraction as provided in subsection (2) of this section; or

(b) Fails to appear at a hearing requested pursuant to subsection (3) or (4) of this section.

NEW SECTION. Sec. 20. (1) Procedures for the conduct of all hearings provided in this chapter may be established by rule of the supreme court.

(2) Any person subject to proceedings under this chapter may be represented by counsel.

(3) The attorney representing the state, county, city, or town may appear in any proceedings under this chapter but need not appear, notwithstanding any statute or rule of court to the contrary.

NEW SECTION. Sec. 21. (1) A hearing held for the purpose of contesting the determination that a civil infraction has been committed shall be without a jury and shall be recorded in the manner provided for in courts of limited jurisdiction.

(2) The court may consider the notice of civil infraction and any other written report made under oath submitted by the enforcement officer who issued the notice or whose written statement was the basis for the issuance of the notice in lieu of the officer's personal appearance at the hearing. The person named in the notice may request the court for issuance of subpoena of witnesses, including the enforcement officer who issued the notice, and has the right to present evidence and examine witnesses present in court.

(3) The burden of proof is upon the state to establish the commission of the civil infraction by a preponderance of the evidence.

(4) After consideration of the evidence and argument, the court shall determine whether the civil infraction was committed. Where it has not been established that the civil infraction was committed, an order dismissing the notice shall be entered in the court's records. Where it has been established that the civil infraction was committed, an appropriate order shall be entered in the court's records.

(5) An appeal from the court's determination or order shall be to the superior court in the manner provided by the Rules for Appeal of Decisions of Courts of Limited Jurisdiction. The decision of the superior court is subject only to discretionary review pursuant to the Rules of Appellate Procedure.

NEW SECTION. Sec. 22. (1) A hearing held for the purpose of allowing a person to explain mitigating circumstances surrounding the commission of a civil infraction shall be an informal proceeding. The person may not subpoena witnesses. The determination that a civil infraction has been committed may not be contested at a hearing held for the purpose of explaining mitigating circumstances.

(2) After the court has heard the explanation of the circumstances surrounding the commission of the civil infraction, an appropriate order shall be entered in the court's records.

(3) There is no appeal from the court's determination or order.

NEW SECTION. Sec. 23. (1) A person found to have committed a civil infraction shall be assessed a monetary penalty.

(a) The maximum penalty and the default amount for a class 1 civil infraction shall be two hundred fifty dollars, not including statutory assessments;

(b) The maximum penalty and the default amount for a class 2 civil infraction shall be one hundred twenty-five dollars, not including statutory assessments;

(c) The maximum penalty and the default amount for a class 3 civil infraction shall be fifty dollars, not including statutory assessments; and

(d) The maximum penalty and the default amount for a class 4 civil infraction shall be twenty-five dollars, not including statutory assessments.

(2) The supreme court shall prescribe by rule the conditions under which local courts may exercise discretion in assessing fines for civil infractions.

(3) Whenever a monetary penalty is imposed by a court under this chapter it is immediately payable. If the person is unable to pay at that time the court may grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment, the court may proceed to collect the penalty in the same manner as other civil judgments and may notify the prosecuting authority of the failure to pay.

(4) The court may also order a person found to have committed a civil infraction to make restitution.

**NEW SECTION, Sec. 24.** (1) An order entered after the receipt of a response which does not contest the determination, or after it has been established at a hearing that the civil infraction was committed, or after a hearing for the purpose of explaining mitigating circumstances is civil in nature.

(2) The court may waive, reduce, or suspend the monetary penalty prescribed for the civil infraction. If the court determines that a person has insufficient funds to pay the monetary penalty, the court may order performance of a number of hours of community service in lieu of a monetary penalty, at the rate of the then state minimum wage per hour.

**NEW SECTION, Sec. 25.** Each party to a civil infraction case is responsible for costs incurred by that party, but the court may assess witness fees against a nonprevailing respondent. Attorney fees may be awarded to either party in a civil infraction case.

**NEW SECTION, Sec. 26.** Every law enforcement agency in this state or other agency authorized to issue notices of civil infractions shall provide in appropriate form notices of civil infractions which shall be issued in books with notices in quadruplicate and meeting the requirements of this section.

The chief administrative officer of every such agency shall be responsible for the issuance of such books and shall maintain a record of every such book and each notice contained therein issued to individual members or employees of the agency and shall require and retain a receipt for every book so issued.

Every law enforcement officer or other person upon issuing a notice of civil infraction to an alleged perpetrator of a civil infraction under the laws of this state or of any ordinance of any city or town shall deposit the original or a copy of such notice of civil infraction with a court having competent jurisdiction over the civil infraction, as provided in section 16 of this act.

Upon the deposit of the original or a copy of such notice of civil infraction with a court having competent jurisdiction over the civil infraction, the original or copy may be disposed of only as provided in this chapter.

It is official misconduct for any law enforcement officer or other officer or public employee to dispose of a notice of civil infraction or copies thereof or of the record of the issuance of the same in a manner other than as required in this section.

The chief administrative officer of every law enforcement agency or other agency authorized to issue notices of civil infractions shall require the return to him or her of a copy of every notice issued by a person under his or her supervision to an alleged perpetrator of a civil infraction under any law or ordinance and of all copies of every notice which has been spoiled or upon which any entry has been made and not issued to an alleged perpetrator.

Such chief administrative officer shall also maintain or cause to be maintained in connection with every notice issued by a person under his or her supervision a record of the disposition of the charge by the court in which the original or copy of the notice was deposited.

Any person who cancels or solicits the cancellation of any notice of civil infraction, in any manner other than as provided in this section, is guilty of a misdemeanor.

Every record of notices required in this section shall be audited monthly by the appropriate fiscal officer of the government agency to which the law enforcement agency or other agency authorized to issue notices of civil infractions is responsible.

**NEW SECTION, Sec. 27.** (1) A person who fails to sign a notice of civil infraction is guilty of a misdemeanor.

(2) Any person wilfully violating his or her written and signed promise to appear in court or his or her written and signed promise to respond to a notice of civil infraction is guilty of a misdemeanor regardless of the disposition of the notice of civil infraction: PROVIDED, That a written promise to appear in court or a written promise to respond to a notice of civil infraction may be complied with by an appearance by counsel.

(3) A person who wilfully fails to pay a monetary penalty or to perform community service as required by a court under this chapter may be found in civil contempt of court after notice and hearing.

Sec. 28. Section 1, chapter 69, Laws of 1963 and RCW 9.61.190 are each amended to read as follows:

It (~~shall be unlawful~~) is a class 1 civil infraction for any person, other than the owner thereof or his authorized agent, to knowingly shoot, kill, maim, injure, molest, entrap, or detain any Antwerp Messenger or Racing Pigeon, commonly called "carrier or racing pigeons", having the name of its owner stamped upon its wing or tail or bearing upon its leg a band or ring

with the name or initials of the owner or an identification or registration number stamped thereon.

Sec. 29. Section 2, chapter 69, Laws of 1963 and RCW 9.61.200 are each amended to read as follows:

It (~~shall be unlawful~~) is a class 2 civil infraction for any person other than the owner thereof or his authorized agent to remove or alter any stamp, leg band, ring, or other mark of identification attached to any Antwerp Messenger or Racing Pigeon.

NEW SECTION. Sec. 30. Section 3, chapter 69, Laws of 1963 and RCW 9.61.210 are each repealed. (Twenty-five dollar criminal fine for violating RCW 9.61.190 or 9.61.200.)

Sec. 31. Section 2, chapter 286, Laws of 1957 and RCW 19.91.020 are each amended to read as follows:

~~(1) It (shall be unlawful and a violation of this chapter)~~ is a class 1 civil infraction:

~~((1)) (a)~~ For any retailer or wholesaler with intent to injure competitors or destroy or substantially lessen competition:

~~((a)) (i)~~ To advertise, offer to sell, or sell, at retail or wholesale, cigarettes at less than cost to such a retailer or wholesaler, as said cost is defined in this chapter, as the case may be;

~~((b)) (ii)~~ To offer a rebate in price, to give a rebate in price, to offer a concession of any kind, or to give a concession of any kind or nature whatsoever in connection with the sale of cigarettes.

~~((2)) (b)~~ For any retailer with intent to injure competitors or destroy or substantially lessen competition:

~~((c)) (i)~~ To induce or attempt to induce or to procure or attempt to procure the purchase of cigarettes at a price less than "cost to wholesalers" as defined in this chapter;

~~((d)) (ii)~~ To induce or attempt to induce or to procure or attempt to procure any rebate or concession of any kind or nature whatsoever in connection with the purchase of cigarettes.

~~((3) Any retailer or wholesaler who violates the provisions of this section shall be guilty of a misdemeanor and shall be prosecuted and punished by a fine of not more than five hundred dollars for each such offense.)~~ (2) Any individual who as a director, officer, partner, member, or agent of any person violating the provisions of this ~~(act)~~ section assists or aids, directly or indirectly in such violation, shall equally with the person for whom he acts, be responsible therefor ~~((and subject to the punishment and penalties set forth herein)).~~

~~((4)) (3)~~ Evidence of advertisement, offering to sell, or sale of cigarettes by any retailer or wholesaler at less than cost to him, or evidence of any offer of a rebate in price, or the giving of a rebate in price or an offer of a concession, or the inducing, or attempt to induce, or the procuring, or the attempt to procure the purchase of cigarettes at a price less than cost to the wholesaler or the retailer, shall be prima facie evidence of intent to injure competitors and to destroy or substantially lessen competition.

(4) This section shall expire July 1, 1991.

Sec. 32. Section 17, chapter 119, Laws of 1935 and RCW 27.12.340 are each amended to read as follows:

~~(Whoever)~~ It is a class 4 civil infraction for any person to wilfully retain~~(s)~~ any book, newspaper, magazine, pamphlet, manuscript, or other property belonging in or to any public library, reading room, or other educational institution, for thirty days after notice in writing to return the same, given after the expiration of the time that by the rules of such institution such article or other property may be kept~~(- shall be guilty of a misdemeanor).~~

Sec. 33. Section 2, chapter 84, Laws of 1895 and RCW 73.16.020 are each amended to read as follows:

All officials or other persons having power to appoint to or employment in the public service set forth in RCW 73.16.010, are charged with a faithful compliance with its terms, both in letter and in spirit, and a failure therein shall be a ~~((misdemeanor, and on conviction shall be punished by a fine of not less than five dollars nor more than twenty-five dollars))~~ class 1 civil infraction.

NEW SECTION. Sec. 34. Any municipal criminal ordinance in existence on the effective date of this section which is the same as or substantially similar to a statute which is decriminalized by sections 28 through 33 and 35 of this act is deemed to be civil in nature and shall be punished as provided in sections 9 through 27 of this act.

NEW SECTION. Sec. 35. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 168, Laws of 1921, section 1, chapter 185, Laws of 1971 ex. sess. and RCW 9.04.030 (Gross misdemeanor - advertising cures of venereal diseases or lost sexual potency);

(2) Section 1, chapter 156, Laws of 1923 and RCW 9.12.030 (Gross misdemeanor - out-of-state solicitation of personal injury claims arising in state);

(3) Section 1, chapter 27, Laws of 1899, section 373, chapter 249, Laws of 1909 and RCW 9.45.040 (Misdemeanor - fraud on a hotel, restaurant, etc.);

(4) Sections 1 through 3, page 122, Laws of 1886, section 33, chapter 69, Laws of 1891, section 385, chapter 249, Laws of 1909 and RCW 9.45.120 (Gross misdemeanor - using false weights and measures);

(5) Section 366, chapter 249, Laws of 1909 and RCW 9.45.150 (Gross misdemeanor - concealing foreign matter in merchandise);

(6) Section 1, chapter 141, Laws of 1925 ex. sess., section 1, chapter 97, Laws of 1913, section 1, chapter 61, Laws of 1933 and RCW 9.58.100 (Gross misdemeanor - slander of a financial institution);

(7) Section 181, chapter 249, Laws of 1909 and RCW 9.58.110 (Misdemeanor - slandering a woman); and

(8) Section 55, chapter 130, Laws of 1943 and RCW 38.40.140 (Misdemeanor - unlawful wearing of military insignia).

NEW SECTION. Sec. 36. Sections 9 through 27 of this act shall constitute a new chapter in Title 7 RCW.

NEW SECTION. Sec. 37. Sections 12 through 34 of this act shall take effect January 1, 1989."

#### MOTION

On motion of Senator Bottiger, further consideration of Second Substitute House Bill No. 684 was deferred.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 739, by Committee on Trade and Economic Development (originally sponsored by Representatives Vekich, Schoon, Wineberry and P. King) (by request of Department of Community Development)

Providing for the allocation of the private activity bond ceiling.

The bill was read the second time.

#### MOTIONS

On motion of Senator Warnke, the following Committee on Commerce and Labor amendment was adopted:

On page 10, beginning on line 17, strike all material down to and including "act." on line 21

Renumber the remaining sections consecutively.

On motion of Senator Warnke, the following title amendment was adopted:

On page 1, line 5 of the title, after "39.86.904;" strike "making an appropriation;"

On motion of Senator Warnke, the rules were suspended, Substitute House Bill No. 739, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 739, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 739, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senator Pullen - 1.

Absent: Senator Deccio - 1.

SUBSTITUTE HOUSE BILL NO. 739, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Second Substitute House Bill No. 684, deferred earlier today.

#### MOTION

Senator Talmadge moved that the following amendment by Senators Talmadge and Nelson to the Committee on Ways and Means amendment be adopted:

On page 30, beginning on line 11, strike all material down to and including line 22 on page 37 and insert the following:

"Sec. 8. Section 1, chapter 14, Laws of 1975 1st ex. sess. as amended by section 1, chapter 123, Laws of 1981 and RCW 9A.44.010 are each amended to read as follows:

As used in this chapter:

(1) "Sexual intercourse" (a) has its ordinary meaning and occurs upon any penetration, however slight, and

(b) Also means any penetration of the vagina or anus however slight, by an object, when committed on one person by another, whether such persons are of the same or opposite sex, except when such penetration is accomplished for medically recognized treatment or diagnostic purposes, and

(c) Also means any act of sexual contact between persons involving the sex organs of one person and the mouth or anus of another whether such persons are of the same or opposite sex.

(2) "Married" means one who is legally married to another, but does not include a person who is living separate and apart from his or her spouse and who has filed in an appropriate court for legal separation or for dissolution of his or her marriage.

(3) "Mental incapacity" is that condition existing at the time of the offense which prevents a person from understanding the nature or consequences of the act of sexual intercourse whether that condition is produced by illness, defect, the influence of a substance or from some other cause;

(4) "Physically helpless" means a person who is unconscious or for any other reason is physically unable to communicate unwillingness to an act;

(5) "Forcible compulsion" means physical force which overcomes resistance, or a threat, express or implied, that places a person in fear of death or physical injury to herself or himself or another person, or in fear that she or he or another person will be kidnapped;

(6) "Consent" means that at the time of the act of sexual intercourse there are actual words or conduct indicating freely given agreement to have sexual intercourse;

(7) "Significant relationship" means a situation in which the perpetrator is:

(a) A person who is acting in the place of a parent and who is charged with any of a parent's rights, duties, or responsibilities;

(b) Any person who undertakes the responsibility, professionally or voluntarily, to provide education, health, welfare, or organized recreational activities principally for minors and who abuses his or her supervisory position to engage in sexual intercourse or sexual contact with a minor for whom he or she has such responsibility; or

(c) Any person who in the course of his or her employment supervises minors, and who abuses his or her supervisory position to engage in sexual intercourse or sexual contact with a minor.

NEW SECTION. Sec. 9. RAPE OF A CHILD IN THE FIRST DEGREE. (1) A person is guilty of rape of a child in the first degree when the person has sexual intercourse with another person, not married to the perpetrator, who is under twelve years of age, when the perpetrator is at least thirty-six months older than the victim.

(2) Rape of a child in the first degree is a class A felony.

NEW SECTION. Sec. 10. RAPE OF A CHILD IN THE SECOND DEGREE. (1) A person is guilty of rape of a child in the second degree when the person has sexual intercourse with another person, not married to the perpetrator, who is at least twelve years of age but less than fourteen years of age, when the perpetrator is at least thirty-six months older than the victim.

(2) Rape of a child in the second degree is a class B felony.

NEW SECTION. Sec. 11. STATUTORY RAPE. (1) A person is guilty of statutory rape when the person has sexual intercourse with another person, not married to the perpetrator, who is at least fourteen years of age but less than sixteen years of age, when the perpetrator is at least thirty-six months older than the victim.

(2) Statutory rape is a class C felony.

NEW SECTION. Sec. 12. SEXUAL MISCONDUCT WITH A MINOR IN THE FIRST DEGREE. (1) A person is guilty of sexual misconduct with a minor in the first degree when the person has sexual intercourse with another person, not married to the perpetrator, who is at least sixteen years of age but less than eighteen years of age, when the perpetrator is at least forty-eight months older than the victim and is in a significant relationship to the victim.

(2) Sexual misconduct with a minor in the first degree is a class C felony.

NEW SECTION. Sec. 13. SEXUAL MISCONDUCT WITH A MINOR IN THE SECOND DEGREE. (1) A person is guilty of sexual misconduct with a minor in the second degree when the person has sexual contact with another person, not married to the perpetrator, who is at least fourteen years of age but less than eighteen years of age, when the perpetrator is at least forty-eight months older than the victim and is in a significant relationship to the victim.

(2) Sexual misconduct with a minor in the second degree is a class C felony.

Sec. 14. Section 3, chapter 115, Laws of 1983 as last amended by section 23, chapter 257, Laws of 1986 and RCW 9.94A.320 are each amended to read as follows:

TABLE 2  
CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XIV	Aggravated Murder 1 (RCW 10.95.020)
XIII	Murder 1 (RCW 9A.32.030) <u>Homicide by abuse (section 6 of this 1987 act)</u>
XII	Murder 2 (RCW 9A.32.050)
XI	Assault 1 (RCW ( <del>9A.36.010</del> ) <u>9A.36.011</u> )
X	Kidnapping 1 (RCW 9A.40.020) Rape 1 (RCW 9A.44.040) <u>Rape of a Child 1 (section 9 of this 1987 act)</u> Damaging building, etc., by explosion with threat to human being (RCW 70.74.280(1)) Over 18 and deliver heroin or narcotic from Schedule I or II to someone under 18 and 3 years junior (RCW 69.50.406)
IX	Leading Organized Crime (RCW 9A.82.060(1)(a)) Robbery 1 (RCW 9A.56.200) Manslaughter 1 (RCW 9A.32.060) <del>(Statutory Rape 1 (RCW 9A.44.070))</del> Explosive devices prohibited (RCW 70.74.180) Endangering life and property by explosives with threat to human being (RCW 70.74.270) Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406) Sexual Exploitation, Under 16 (RCW 9.68A.040(2)(a)) Inciting Criminal Profiteering (RCW ( <del>9A.82.060(1)(b)</del> ) <u>9A.82.060(1)(b)</u> )
VIII	Arson 1 (RCW 9A.48.020) Rape 2 (RCW 9A.44.050) <u>Rape of a Child 2 (section 10 of this 1987 act)</u> Promoting Prostitution 1 (RCW 9A.88.070) Selling heroin for profit (RCW 69.50.410)
VII	Burglary 1 (RCW 9A.52.020) Vehicular Homicide (RCW 46.61.520) Introducing Contraband 1 (RCW 9A.76.140) <del>(Statutory Rape 2 (RCW 9A.44.080))</del> Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a)) Sexual Exploitation, Under 18 (RCW 9.68A.040(2)(b)) Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050) Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
VI	Bribery (RCW 9A.68.010) Manslaughter 2 (RCW 9A.32.070) Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130) Damaging building, etc., by explosion with no threat to human being (RCW 70.74.280(2)) Endangering life and property by explosives with no threat to human being (RCW 70.74.270) Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c)) Incest 1 (RCW 9A.64.020(1)) Selling for profit (controlled or counterfeit) any controlled substance (except heroin) (RCW 69.50.410) Manufacture, deliver, or possess with intent to deliver heroin or narcotics from Schedule I or II (RCW 69.50.401(a)(1)(i)) Intimidating a Judge (RCW 9A.72.160)
V	Rape 3 (RCW 9A.44.060) Kidnapping 2 (RCW 9A.40.030) Extortion 1 (RCW 9A.56.120) Incest 2 (RCW 9A.64.020(2)) Perjury 1 (RCW 9A.72.020) Extortionate Extension of Credit (RCW 9A.82.020) Advancing money or property for extortionate extension of credit (RCW 9A.82.030) Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040) Rendering Criminal Assistance 1 (RCW 9A.76.070)
IV	Robbery 2 (RCW 9A.56.210) Assault 2 (RCW ( <del>9A.36.020</del> ) <u>9A.36.021</u> ) <u>Statutory Rape (section 11 of this 1987 act)</u> <u>Sexual Misconduct with a Minor 1 (section 12 of this 1987 act)</u> Escape 1 (RCW 9A.76.110)

- Arson 2 (RCW 9A.48.030)
- Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
- Malicious Harassment (RCW 9A.36.080)
- Wilful Failure to Return from Furlough (RCW 72.66.060)
- Hit and Run — Injury Accident (RCW 46.52.020(4))
- Vehicular Assault (RCW 46.61.522)
- Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana) (RCW 69.50.401(a)(1)(ii) through (iv))
- Influencing Outcome of Sporting Event (RCW 9A.82.070)
- Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
- Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
- III ~~((Statutory Rape 3 (RCW 9A.44.090)))~~
- Sexual Misconduct with a Minor 2 (section 13 of this 1987 act)
- Extortion 2 (RCW 9A.56.130)
- Unlawful Imprisonment (RCW 9A.40.040)
- Assault 3 (RCW ~~((9A.36.090))~~ 9A.36.031)
- Unlawful possession of firearm or pistol by felon (RCW 9.41.040)
- Harassment (RCW 9A.46.020)
- Promoting Prostitution 2 (RCW 9A.88.080)
- Wilful Failure to Return from Work Release (RCW 72.65.070)
- Introducing Contraband 2 (RCW 9A.76.150)
- Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
- Patronizing a Juvenile Prostitute (RCW 9.68A.100)
- Escape 2 (RCW 9A.76.120)
- Perjury 2 (RCW 9A.72.030)
- Intimidating a Public Servant (RCW 9A.76.180)
- Tampering with a Witness (RCW 9A.72.120)
- Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(ii))
- Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
- Theft of livestock 1 (RCW 9A.56.080)
- II Malicious Mischief 1 (RCW 9A.48.070)
- Possession of Stolen Property 1 (RCW 9A.56.150)
- Theft 1 (RCW 9A.56.030)
- Theft of Livestock 2 (RCW 9A.56.080)
- Burglary 2 (RCW 9A.52.030)
- Possession of controlled substance that is either heroin or narcotics from Schedule I or II (RCW 69.50.401(d))
- Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
- Computer Trespass 1 (RCW 9A.52.110)
- I Theft 2 (RCW 9A.56.040)
- Possession of Stolen Property 2 (RCW 9A.56.160)
- Forgery (RCW 9A.60.020)
- Taking Motor Vehicle Without Permission (RCW 9A.56.070)
- Vehicle Prowl 1 (RCW 9A.52.095)
- Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
- Malicious Mischief 2 (RCW 9A.48.080)
- Reckless Burning 1 (RCW 9A.48.040)
- Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
- False Verification for Welfare (RCW 74.08.055)
- Forged Prescription (RCW 69.41.020)
- Forged Prescription for a Controlled Substance (RCW 69.50.403)
- Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (RCW 69.50.401(d))

Sec. 15. Section 8, chapter 115, Laws of 1983 as last amended by section 26, chapter 257, Laws of 1986 and RCW 9.94A.370 are each amended to read as follows:

(1) The intersection of the column defined by the offender score and the row defined by the offense seriousness score determines the presumptive sentencing range (see RCW 9.94A.310, Table 1)). The additional time for deadly weapon findings shall be added to the entire presumptive sentence range. The court may impose any sentence within the range that it deems appropriate. All presumptive sentence ranges are expressed in terms of total confinement.

(2) In determining any sentence, the trial court may rely on no more information than is admitted by the plea agreement, or admitted, acknowledged, or proved in a trial or at the time of sentencing. Acknowledgement includes not objecting to information stated in the pre-sentence reports. Where the defendant disputes material facts, the court must either not consider the fact or grant an evidentiary hearing on the point. The facts shall be deemed proved at the hearing by a preponderance of the evidence. Facts that establish the elements of a more

serious crime or additional crimes may not be used to go outside the presumptive sentence range except upon stipulation or when specifically provided for in RCW 9.94A.390(2) (c) ~~((and))~~; (d), and (e).

Sec. 16. Section 10, chapter 115, Laws of 1983 as last amended by section 27, chapter 257, Laws of 1986 and RCW 9.94A.390 are each amended to read as follows:

If the sentencing court finds that an exceptional sentence outside the standard range should be imposed in accordance with RCW 9.94A.120(2), the sentence is subject to review only as provided for in RCW 9.94A.210(4).

The following are illustrative factors which the court may consider in the exercise of its discretion to impose an exceptional sentence. The following are illustrative only and are not intended to be exclusive reasons for exceptional sentences.

(1) Mitigating Circumstances

(a) To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.

(b) Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.

(c) The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.

(d) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.

(e) The defendant's capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of the law, was significantly impaired (voluntary use of drugs or alcohol is excluded).

(f) The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.

(g) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(2) Aggravating Circumstances

(a) The defendant's conduct during the commission of the current offense manifested deliberate cruelty to the victim.

(b) The defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance due to extreme youth, advanced age, disability, or ill health.

(c) The current offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:

(i) The current offense involved multiple victims or multiple incidents per victim;

(ii) The current offense involved attempted or actual monetary loss substantially greater than typical for the offense;

(iii) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time;

(iv) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(d) The current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition: The presence of ANY of the following may identify a current offense as a major VUCSA:

(i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so; or

(ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use; or

(iii) The current offense involved the manufacture of controlled substances for use by other parties; or

(iv) The circumstances of the current offense reveal the offender to have occupied a high position in the drug distribution hierarchy; or

(v) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time or involved a broad geographic area of disbursement; or

(vi) The offender used his or her position or status to facilitate the commission of the current offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional); or

(e) The offense was part of an ongoing pattern of sexual abuse of the same victim under the age of eighteen years manifested by multiple incidents over a prolonged period of time; or

(f) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

Sec. 17. Section 15, chapter 115, Laws of 1983 as amended by section 30, chapter 257, Laws of 1986 and RCW 9.94A.440 are each amended to read as follows:

(1) Decision not to prosecute.

**STANDARD:** A prosecuting attorney may decline to prosecute, even though technically sufficient evidence to prosecute exists, in situations where prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

**GUIDELINE/COMMENTARY:**

**Examples**

The following are examples of reasons not to prosecute which could satisfy the standard.

(a) **Contrary to Legislative Intent** - It may be proper to decline to charge where the application of criminal sanctions would be clearly contrary to the intent of the legislature in enacting the particular statute.

(b) **Antiquated Statute** - It may be proper to decline to charge where the statute in question is antiquated in that:

- (i) It has not been enforced for many years; and
- (ii) Most members of society act as if it were no longer in existence; and
- (iii) It serves no deterrent or protective purpose in today's society; and
- (iv) The statute has not been recently reconsidered by the legislature.

This reason is not to be construed as the basis for declining cases because the law in question is unpopular or because it is difficult to enforce.

(c) **De Minimus Violation** - It may be proper to decline to charge where the violation of law is only technical or insubstantial and where no public interest or deterrent purpose would be served by prosecution.

(d) **Confinement on Other Charges** - It may be proper to decline to charge because the accused has been sentenced on another charge to a lengthy period of confinement; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iii) Conviction of the new offense would not serve any significant deterrent purpose.

(e) **Pending Conviction on Another Charge** - It may be proper to decline to charge because the accused is facing a pending prosecution in the same or another county; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) Conviction in the pending prosecution is imminent;

(iii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iv) Conviction of the new offense would not serve any significant deterrent purpose.

(f) **High Disproportionate Cost of Prosecution** - It may be proper to decline to charge where the cost of locating or transporting, or the burden on, prosecution witnesses is highly disproportionate to the importance of prosecuting the offense in question. This reason should be limited to minor cases and should not be relied upon in serious cases.

(g) **Improper Motives of Complainant** - It may be proper to decline charges because the motives of the complainant are improper and prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

(h) **Immunity** - It may be proper to decline to charge where immunity is to be given to an accused in order to prosecute another where the accused's information or testimony will reasonably lead to the conviction of others who are responsible for more serious criminal conduct or who represent a greater danger to the public interest.

(i) **Victim Request** - It may be proper to decline to charge because the victim requests that no criminal charges be filed and the case involves the following crimes or situations:

(i) Assault cases where the victim has suffered little or no injury;

(ii) Crimes against property, not involving violence, where no major loss was suffered;

(iii) Where doing so would not jeopardize the safety of society.

Care should be taken to insure that the victim's request is freely made and is not the product of threats or pressure by the accused.

The presence of these factors may also justify the decision to dismiss a prosecution which has been commenced.

**Notification**

The prosecutor is encouraged to notify the victim, when practical, and the law enforcement personnel, of the decision not to prosecute.

(2) Decision to prosecute.

**STANDARD:**

Crimes against persons will be filed if sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify conviction by a reasonable and objective fact-finder.

Crimes against property/other crimes will be filed if the admissible evidence is of such convincing force as to make it probable that a reasonable and objective fact-finder would

convict after hearing all the admissible evidence and the most plausible defense that could be raised.

See table below for the crimes within these categories.

CATEGORIZATION OF CRIMES FOR PROSECUTING STANDARDS

CRIMES AGAINST PERSONS

Aggravated Murder  
 1st Degree Murder  
 2nd Degree Murder  
 1st Degree Kidnaping  
 1st Degree Assault  
 1st Degree Rape  
 1st Degree Robbery  
 ((1st Degree Statutory Rape))  
1st Degree Rape of a Child  
 1st Degree Arson  
 2nd Degree Kidnaping  
 2nd Degree Assault  
 2nd Degree Rape  
 2nd Degree Robbery  
 1st Degree Burglary  
 1st Degree Manslaughter  
 2nd Degree Manslaughter  
 1st Degree Extortion  
 Indecent Liberties  
 ((2nd Degree Statutory Rape))  
 Incest  
2nd Degree Rape of a Child  
 Vehicular Homicide  
 Vehicular Assault  
 3rd Degree Rape  
 ((3rd Degree Statutory Rape))  
Statutory Rape  
1st Degree Sexual Misconduct with a Minor  
2nd Degree Sexual Misconduct with a Minor  
 2nd Degree Extortion  
 1st Degree Promoting Prostitution  
 Intimidating a Juror  
 Communication with a Minor  
 Intimidating a Witness  
 Intimidating a Public Servant  
 Bomb Threat (if against person)  
 3rd Degree Assault  
 Unlawful Imprisonment  
 Promoting a Suicide Attempt  
 Riot (if against person)

CRIMES AGAINST PROPERTY/OTHER CRIMES

2nd Degree Arson  
 1st Degree Escape  
 2nd Degree Burglary  
 1st Degree Theft  
 1st Degree Perjury  
 1st Degree Introducing Contraband  
 1st Degree Possession of Stolen Property  
 Bribery  
 Bribing a Witness  
 Bribe received by a Witness  
 Bomb Threat (if against property)  
 1st Degree Malicious Mischief  
 2nd Degree Theft  
 2nd Degree Escape  
 2nd Degree Introducing Contraband  
 2nd Degree Possession of Stolen Property  
 2nd Degree Malicious Mischief  
 1st Degree Reckless Burning  
 Taking a Motor Vehicle without Authorization  
 Forgery  
 2nd Degree Perjury  
 2nd Degree Promoting Prostitution

Tampering with a Witness  
 Trading in Public Office  
 Trading in Special Influence  
 Receiving/Granting Unlawful Compensation  
 Bigamy  
 Eluding a Pursuing Police Vehicle  
 Wilful Failure to Return from Furlough  
 Riot (if against property)  
 Thefts of Livestock  
 ALL OTHER UNCLASSIFIED FELONIES  
 Selection of Charges/Degree of Charge

(1) The prosecutor should file charges which adequately describe the nature of defendant's conduct. Other offenses may be charged only if they are necessary to ensure that the charges:

- (a) Will significantly enhance the strength of the state's case at trial; or
- (b) Will result in restitution to all victims.
- (2) The prosecutor should not overcharge to obtain a guilty plea. Overcharging includes:
  - (a) Charging a higher degree;
  - (b) Charging additional counts.

This standard is intended to direct prosecutors to charge those crimes which demonstrate the nature and seriousness of a defendant's criminal conduct, but to decline to charge crimes which are not necessary to such an indication. Crimes which do not merge as a matter of law, but which arise from the same course of conduct, do not all have to be charged.

#### GUIDELINES/COMMENTARY:

##### Police Investigation

A prosecuting attorney is dependent upon law enforcement agencies to conduct the necessary factual investigation which must precede the decision to prosecute. The prosecuting attorney shall ensure that a thorough factual investigation has been conducted before a decision to prosecute is made. In ordinary circumstances the investigation should include the following:

- (1) The interviewing of all material witnesses, together with the obtaining of written statements whenever possible;
- (2) The completion of necessary laboratory tests; and
- (3) The obtaining, in accordance with constitutional requirements, of the suspect's version of the events.

If the initial investigation is incomplete, a prosecuting attorney should insist upon further investigation before a decision to prosecute is made, and specify what the investigation needs to include.

##### Exceptions

In certain situations, a prosecuting attorney may authorize filing of a criminal complaint before the investigation is complete if:

- (1) Probable cause exists to believe the suspect is guilty; and
- (2) The suspect presents a danger to the community or is likely to flee if not apprehended;

or

- (3) The arrest of the suspect is necessary to complete the investigation of the crime.

In the event that the exception to the standard is applied, the prosecuting attorney shall obtain a commitment from the law enforcement agency involved to complete the investigation in a timely manner. If the subsequent investigation does not produce sufficient evidence to meet the normal charging standard, the complaint should be dismissed.

##### Investigation Techniques

The prosecutor should be fully advised of the investigatory techniques that were used in the case investigation including:

- (1) Polygraph testing;
- (2) Hypnosis;
- (3) Electronic surveillance;
- (4) Use of informants.

##### Pre-Filing Discussions with Defendant

Discussions with the defendant or his/her representative regarding the selection or disposition of charges may occur prior to the filing of charges, and potential agreements can be reached.

Sec. 18. Section 1, chapter 85, Laws of 1986 and section 13, chapter 257, Laws of 1986 and RCW 9A.04.080 are each reenacted and amended to read as follows:

(1) Prosecutions for ~~(the offenses of murder, and arson where death ensues, may be commenced at any period after the commission of the offense; for offenses the punishment of which may be imprisonment in a state correctional institution, committed by any public officer in connection with the duties of his office or constituting a breach of his public duty or a violation of his oath of office, and arson where death does not ensue, within ten years after their commission; for violations of RCW 9A.44.070, 9A.44.080, and 9A.44.100(1)(b); within seven years after~~

their commission; for violations of RCW 9A.82.060 or 9A.82.080, within six years after their commission; for violations of class C felonies under chapter 74.09 RCW, within five years after their commission; for bigamy, within three years of the time specified in RCW 9A.64.010; for all other offenses the punishment of which may be imprisonment in a state correctional institution, within three years after their commission; two years for gross misdemeanors; and for all other offenses, within one year after their commission; PROVIDED: That any length of time during which the party charged was not usually and publicly resident within this state shall not be reckoned within the one, two, three, five, six, seven, and ten years respectively; AND FURTHER PROVIDED: That where an indictment has been found, or complaint or an information filed, within the time limited for the commencement of a criminal action, if the indictment, complaint or information be set aside, the time of limitation shall be extended by the length of time from the time of filing of such indictment, complaint, or information, to the time such indictment, complaint, or information was set aside)) criminal offenses shall not be commenced after the periods prescribed in this section.

(a) The following offenses may be prosecuted at any time after their commission:

(i) Murder;

(ii) Arson if a death results.

(b) The following offenses shall not be prosecuted more than ten years after their commission:

(i) Any felony committed by a public officer if the commission is in connection with the duties of his or her office or constitutes a breach of his or her public duty or a violation of the oath of office;

(ii) Arson if no death results.

(c) The following offenses shall not be prosecuted more than seven years after their commission: Rape of a child in the first or second degree.

(d) The following offenses shall not be prosecuted more than six years after their commission: Violations of RCW 9A.82.060 or 9A.82.080.

(e) The following offenses shall not be prosecuted more than five years after their commission: Any class C felony under chapter 74.09 RCW.

(f) Bigamy shall not be prosecuted more than three years after the time specified in RCW 9A.64.010.

(g) No other felony may be prosecuted more than three years after its commission.

(h) No gross misdemeanor may be prosecuted more than two years after its commission.

(i) No misdemeanor may be prosecuted more than one year after its commission.

(2) The periods of limitation prescribed in subsection (1) of this section do not run during any time when the person charged is not usually and publicly resident within this state.

(3) If, before the end of a period of limitation prescribed in subsection (1) of this section, an indictment has been found or a complaint or an information has been filed, and the indictment, complaint, or information is set aside, then the period of limitation is extended by a period equal to the length of time from the finding or filing to the setting aside.

Sec. 19. Section 6, chapter 288, Laws of 1985 and RCW 9A.46.060 are each amended to read as follows:

As used in this chapter, "harassment" may include but is not limited to any of the following crimes:

- (1) Harassment (RCW 9A.46.020);
- (2) Malicious harassment (RCW 9A.36.080);
- (3) Telephone harassment (RCW 9.61.230);
- (4) Assault in the first degree (RCW ((9A.36.010) 9A.36.011);
- (5) Assault in the second degree (RCW ((9A.36.020) 9A.36.021);
- (6) Simple assault (RCW ((9A.36.040) 9A.36.041);
- (7) Reckless endangerment (RCW 9A.36.050);
- (8) Extortion in the first degree (RCW 9A.56.120);
- (9) Extortion in the second degree (RCW 9A.56.130);
- (10) Coercion (RCW 9A.36.070);
- (11) Burglary in the first degree (RCW 9A.52.020);
- (12) Burglary in the second degree (RCW 9A.52.030);
- (13) Criminal trespass in the first degree (RCW 9A.52.070);
- (14) Criminal trespass in the second degree (RCW 9A.52.080);
- (15) Malicious mischief in the first degree (RCW 9A.48.070);
- (16) Malicious mischief in the second degree (RCW 9A.48.080);
- (17) Malicious mischief in the third degree (RCW 9A.48.090);
- (18) Kidnapping in the first degree (RCW 9A.40.020);
- (19) Kidnapping in the second degree (RCW 9A.40.030);
- (20) Unlawful imprisonment (RCW 9A.40.040);
- (21) Rape in the first degree (RCW 9A.44.040);
- (22) Rape in the second degree (RCW 9A.44.050);
- (23) Rape in the third degree (RCW 9A.44.060);
- (24) Indecent liberties (RCW 9A.44.100);

~~(25) (Statutory rape in the first degree (RCW 9A.44.070);~~

~~(26) Statutory rape in the second degree (RCW 9A.44.080); and~~

~~(27) Statutory rape in the third degree (RCW 9A.44.090)) Rape of a child in the first degree (section 9 of this 1987 act);~~

~~(26) Rape of a child in the second degree (section 10 of this 1987 act);~~

~~(27) Statutory rape (section 11 of this 1987 act);~~

~~(28) Sexual misconduct with a minor in the first degree (section 12 of this 1987 act); and~~

~~(29) Sexual misconduct with a minor in the second degree (section 13 of this 1987 act).~~

Sec. 20. Section 9A.88.030, chapter 260, Laws of 1975 1st ex. sess. as amended by section 15, chapter 244, Laws of 1979 ex. sess. and RCW 9A.88.030 are each amended to read as follows:

(1) A person is guilty of prostitution if such person engages or agrees or offers to engage in sexual conduct with another person in return for a fee.

(2) For purposes of this section, "sexual conduct" means "sexual intercourse" (~~as defined in RCW 9A.44.010(1))~~) or "sexual contact," both as defined in chapter 9A.44 RCW (~~9A.44.100(2)~~).

(3) Prostitution is a misdemeanor.

Sec. 21. Section 56, chapter 291, Laws of 1977 ex. sess. as last amended by section 7, chapter 191, Laws of 1983 and RCW 13.40.020 are each amended to read as follows:

For the purposes of this chapter:

(1) "Serious offender" means a person fifteen years of age or older who has committed an offense which if committed by an adult would be:

(a) A class A felony, or an attempt to commit a class A felony;

(b) Manslaughter in the first degree or rape in the second degree; or

(c) Assault in the second degree, extortion in the first degree, indecent liberties, rape of a child in the second degree, kidnapping in the second degree, robbery in the second degree, or burglary in the second degree, ((or statutory rape in the second degree;)) where such offenses include the infliction of bodily harm upon another or where during the commission of or immediate withdrawal from such an offense the perpetrator is armed with a deadly weapon or firearm as defined in RCW 9A.04.110;

(2) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense;

(3) "Community supervision" means an order of disposition by the court of an adjudicated youth. A community supervision order for a single offense may be for a period of up to one year and include one or more of the following:

(a) A fine, not to exceed one hundred dollars;

(b) Community service not to exceed one hundred fifty hours of service;

(c) Attendance of information classes;

(d) Counseling; or

(e) Such other services to the extent funds are available for such services, conditions, or limitations as the court may require which may not include confinement;

(4) "Confinement" means physical custody by the department of social and health services in a facility operated by or pursuant to a contract with the state, or physical custody in a facility operated by or pursuant to a contract with any county. Confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;

(5) "Court", when used without further qualification, means the juvenile court judge(s) or commissioner(s);

(6) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:

(a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or

(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history;

(7) "Department" means the department of social and health services;

(8) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender or any other person or entity with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.04.040, as now or hereafter amended, or any person or entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter;

(9) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

(10) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court;

(11) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older over whom jurisdiction has been extended under RCW 13.40.300;

(12) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;

(13) "Middle offender" means a person who has committed an offense and who is neither a minor or first offender nor a serious offender;

(14) "Minor or first offender" means a person sixteen years of age or younger whose current offense(s) and criminal history fall entirely within one of the following categories:

(a) Four misdemeanors;

(b) Two misdemeanors and one gross misdemeanor;

(c) One misdemeanor and two gross misdemeanors;

(d) Three gross misdemeanors;

(e) One class C felony and one misdemeanor or gross misdemeanor;

(f) One class B felony except: Any felony which constitutes an attempt to commit a class A felony; manslaughter in the first degree; rape in the second degree; assault in the second degree; extortion in the first degree; indecent liberties; kidnapping in the second degree; robbery in the second degree; burglary in the second degree; ((statutory)) rape of a child in the second degree; vehicular homicide; or arson in the second degree.

For purposes of this definition, current violations shall be counted as misdemeanors;

(15) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

(16) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

(17) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, and lost wages resulting from physical injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

(18) "Secretary" means the secretary of the department of social and health services;

(19) "Services" mean services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

(20) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care.

(21) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration.

Sec. 22. Section 65, chapter 291, Laws of 1977 ex. sess. as amended by section 63, chapter 155, Laws of 1979 and RCW 13.40.110 are each amended to read as follows:

(1) The prosecutor, respondent, or the court on its own motion may, before a hearing on the information on its merits, file a motion requesting the court to transfer the respondent for adult criminal prosecution and the matter shall be set for a hearing on the question of declining jurisdiction. Unless waived by the court, the parties, and their counsel, a decline hearing shall be held where:

(a) The respondent is sixteen or seventeen years of age and the information alleges a class A felony or an attempt to commit a class A felony; or

(b) The respondent is seventeen years of age and the information alleges assault in the second degree, extortion in the first degree, indecent liberties, rape of a child in the second degree, kidnapping in the second degree, rape in the second degree, or robbery in the second degree.

(2) The court after a decline hearing may order the case transferred for adult criminal prosecution upon a finding that the declination would be in the best interest of the juvenile or the public. The court shall consider the relevant reports, facts, opinions, and arguments presented by the parties and their counsel.

(3) When the respondent is transferred for criminal prosecution or retained for prosecution in juvenile court, the court shall set forth in writing its finding which shall be supported by relevant facts and opinions produced at the hearing.

Sec. 23. Section 3, chapter 219, Laws of 1979 ex. sess. and RCW 70.125.030 are each amended to read as follows:

As used in this chapter and unless the context indicates otherwise:

(1) "Department" means the department of social and health services.

(2) "Law enforcement agencies" means police and sheriff's departments of this state.

(3) "Personal representative" means a friend, relative, attorney, or employee or volunteer from a rape crisis center.

(4) "Rape crisis center" means a community-based social service agency which provides services to victims of sexual assault.

(5) "Secretary" means the secretary of the department of social and health services.

(6) "Sexual assault" means one or more of the following:

(a) Rape or statutory rape;

(b) Assault with intent to commit rape;

(c) Incest ((or)), indecent liberties, sexual misconduct with a minor, or rape of a child; or

(d) An attempt to commit any of the aforementioned offenses.

(7) "Victim" means any person who suffers physical and/or mental anguish as a proximate result of a sexual assault.

NEW SECTION. Sec. 24. Section captions as used in this chapter do not constitute any part of the law.

NEW SECTION. Sec. 25. Sections 9 through 13 and 24 of this act are each added to chapter 9A.44 RCW.

NEW SECTION. Sec. 26. The following acts or parts of acts are each repealed:

(1) Section 7, chapter 14, Laws of 1975 1st ex. sess., section 4, chapter 244, Laws of 1979 ex. sess., section 31, chapter 257, Laws of 1986 and RCW 9A.44.070;

(2) Section 8, chapter 14, Laws of 1975 1st ex. sess., section 5, chapter 244, Laws of 1979 ex. sess. and RCW 9A.44.080; and

(3) Section 9, chapter 14, Laws of 1975 1st ex. sess., section 6, chapter 244, Laws of 1979 ex. sess. and RCW 9A.44.090.

NEW SECTION. Sec. 27. Sections 8 through 26 of this act shall not have the effect of terminating or in any way modifying any liability, civil or criminal, which is already in existence on the effective date of this section and shall apply only to offenses committed on or after July 1, 1988.

NEW SECTION. Sec. 28. Sections 8 through 27 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1988."

Debate ensued.

#### POINT OF INQUIRY

Senator Lee: "Senator Talmadge, I think there are some things in this bill that really do need to be addressed in our sentencing guidelines statutes, but I'm having really a tough time trying to figure out--in all of these different age groups, you have different kinds of crimes depending on how much older the perpetrator is than the victim. It seems to me as though there are some spaces here in between where if a person is at least fourteen, but less than eighteen and the perpetrator has to be at least forty-eight months older than the victim, etc., etc. I am simply using that as an example. My question is, that in cases where the perpetrator is not that much older than the victim, then any of the specificities that are in here, can they be convicted of rape at all? Even the definition of statutory rape, that you have in this section, takes in those age considerations."

Senator Talmadge: "Senator, the problem that you have most often in these kinds of sexual misconduct situations is that rape is generally believed to be a nonconsensual activity, with the exception of statutory rape. The idea of the amendment that you have before you is to treat with, actually, very specifically the circumstances under which sexual misconduct or statutory rape might be present as between an older person and a younger person in the state of Washington.

"This amendment you have before you is an amendment that was worked with some care in the House of Representatives over the interim. It is one that is supported by the Washington Association of Prosecuting Attorneys and is supported by a number of other organizations who have been working with this subject over a period of time. I don't believe that there are any gaps in the age sequence that you see. You'll note, however, that this amendment is one that takes effect July 1, 1988. It's one that we want to put into place; it's one we want to work with. There are some other sexual related offenses that the House took a look at that are not present in this measure that would be part of that interim study by the Senate and the House Judiciary Committees. I think it's a well thought through proposal and does encompass the ages that I know you have a concern about."

Senator Lee: "Well, I appreciate hearing that it will have a delayed implementation date, but the question is--I'll make it a little more specific--what would be the crime as far as rape between individuals who were both between the ages of sixteen and eighteen? In other words, a sixteen year old boy raping a fifteen year old girl?"

Senator Talmadge: "You would not have statutory rape as defined in the statute."

Senator Lee: "What would you have?"

Senator Talmadge: "You would have—you would not have rape of the child in the first degree. You would probably have sexual misconduct with the minor in the second degree under the circumstances that you talked about, although it's not clear a significant relationship would be present. That's one of the crimes that the House was looking at in terms of a crime they termed, 'sexual battery.' They had a lot of questions attached to it and is one of the things we wanted to take a look at with some detail in the interim."

Further debate ensued.

#### POINT OF INQUIRY

Senator Bluechel: "Senator Talmadge, on page 22, New Section 26, it's the repealer section. You have a series of repealers in there. What do they repeal?"

Senator Talmadge: "I believe those are some of the older statutes relating to nonconsensual sexual relations or statutory rape. Senator Bluechel. This measure is designed, as Senator Halsan has pointed out, to clarify some of the more problematic sections with respect to relationships of a sexual nature and the crimes that are associated with them. I believe those are repealers of those older provisions."

#### POINT OF INQUIRY

Senator Bottiger: "Senator Talmadge, I think what's bothering Senator Lee and me is, what's the situation where you have nonconsensual physical battering, including rape and I don't care whether the female is twenty and the male is sixteen, but it's a forceable rape situation?"

Senator Talmadge: "Senator, in a forceable rape situation, the statutes relating to rape remain in place. What this is attempting to do is to clarify the circumstances of nonconsensual sexual conduct, so to speak, and in the circumstances where forceable rape and violence are involved, the statutes relating to rape continue to apply, regardless of the age of the perpetrator."

#### MOTION

On motion of Senator Bottiger, further consideration of Second Substitute House Bill No. 684 was deferred.

#### SECOND READING

HOUSE BILL NO. 790, by Representatives Crane, Wineberry, P. King and Winsley

Strengthening the laws regulating timeshares.

The bill was read the second time.

#### MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On page 3, beginning on line 4, strike all the material down to and including "shall" on line 6 and insert "If the promoter is a corporation or a general partnership, each natural person therein, with a ten percent or greater interest or share in the promoter, shall"

On motion of Senator Talmadge, the following Committee on Judiciary amendments were considered simultaneously and adopted:

On page 9, beginning on line 3, after "chapter," strike all the material through "state" on line 4

On page 9, line 11, after "timeshares" strike all the material through "developments" on line 12

#### MOTION

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 790, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 790, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 790, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Kreidler - 1.

SUBSTITUTE HOUSE BILL NO. 790, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 782, by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Fisher, Nelson and Locke)

Changing reporting requirements for lobbyists.

The bill was read the second time.

## MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On page 4, line 14, after "rules," strike "For each registered" through "purposes," on line 19

On motion of Senator Nelson, the following amendment by Senators Nelson, Newhouse, Halsan and Talmadge was adopted:

On page 4, after line 20, insert the following:

**\*NEW SECTION.** Sec. 3. A new section is added to chapter 42.17 RCW to read as follows:

During a legislative session, a lobbyist registered and reporting under this chapter or a business that has a lobbyist as one of the principal owners or partners, shall not enter into a personal services contract with the legislature, any committee, office, officer, or employee of the legislature, the executive branch, any officer or employee of the executive branch, or any state agency."

## MOTION

On motion of Senator Vognild, further consideration of Substitute House Bill No. 782 was deferred.

## SECOND READING

HOUSE BILL NO. 856, by Representative Valle

Authorizing study of bed and breakfast industry.

The bill was read the second time.

## MOTIONS

Senator Smitherman moved that the following Committee on Commerce and Labor amendment be adopted:

Strike everything after the enacting clause and insert the following:

**\*NEW SECTION.** Sec. 1. (1) The commerce and labor committee of the senate and the trade and economic development committee of the house of representatives shall jointly study the bed and breakfast industry.

(2) The study shall review the bed and breakfast industry, its economic impact on the state of Washington, and its impact on the environment of the state of Washington.

(3) The committees shall report their findings to the legislature before June 1, 1988.

**NEW SECTION.** Sec. 2. This act shall expire December 1, 1988."

Debate ensued.

The President declared the question before the Senate to be adoption of the Committee on Commerce and Labor amendment.

The motion by Senator Smitherman carried and the committee amendment was adopted.

## MOTIONS

On motion of Senator Smitherman, the following title amendment was adopted:

On page 1, line 1 of the title, after "industry;" strike the remainder of the title and insert "creating a new section; and providing an expiration date."

On motion of Senator Smitherman, the rules were suspended, House Bill No. 856, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 856, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 856, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 27; nays, 22.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kreidler, McDermott, Metcalf, Moore, Peterson, Rinehart, Smitherman, Talmadge, Vognild, Warnke, West, Williams, Wojahn - 27.

Voting nay: Senators Barr, Benitz, Cantu, Craswell, Deccio, Hayner, Kiskaddon, Lee, McCaslin, McDonald, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Tanner, von Reichbauer, Zimmerman - 22.

HOUSE BILL NO. 856, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 857, by Committee on Ways and Means/Appropriations (originally sponsored by Representatives Hine, Jacobsen, Ebersole, Allen, Prince, Unsoeld, Miller, Basich and Todd)

Creating a future teachers conditional scholarship program.

The bill was read the second time.

## MOTION

Senator Rasmussen moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION.** Sec. 1. The legislature finds that encouraging outstanding students to enter the teaching profession is of paramount importance to the state of Washington. By creating the future teachers conditional scholarship program, the legislature intends to assist in the effort to recruit as future teachers students who have distinguished themselves through outstanding academic achievement and students who can act as role models for children including those from targeted ethnic minorities. The legislature urges business, industry, and philanthropic community organizations to join with state government in making this program successful.

**NEW SECTION.** Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Conditional scholarship" means a loan that is forgiven in whole or in part if the recipient renders service as a teacher in the public schools of this state.

(2) "Institution of higher education" or "institution" means a college or university in the state of Washington which is accredited by an accrediting association recognized as such by rule of the higher education coordinating board.

(3) "Board" means the higher education coordinating board.

(4) "Eligible student" means a student who is registered for at least ten credit hours or the equivalent, demonstrates achievement of at least a 3.30 grade point average for students entering an institution of higher education directly from high school or maintains at least a 3.00 grade point average or the equivalent for each academic year in an institution of higher education, is a resident student as defined by RCW 28B.15.012 through 28B.15.015, and has a declared intention to complete an approved preparation program leading to initial teacher certification or required for earning an additional endorsement, or a college or university graduate who meets the same credit hour requirements and is seeking an additional teaching endorsement or initial teacher certification.

(5) "Public school" means an elementary school, a middle school, junior high school, or high school within the public school system referred to in Article IX of the state Constitution.

(6) "Forgiven" or "to forgive" or "forgiveness" means to render service as a teacher at a public school in the state of Washington in lieu of monetary repayment.

(7) "Satisfied" means paid-in-full.

(8) "Participant" means an eligible student who has received a conditional scholarship under this chapter.

(9) "Targeted ethnic minority" means a group of Americans with a common ethnic or racial heritage selected by the board for program consideration due to societal concerns such as high dropout rates or low rates of college participation by members of the group.

NEW SECTION. Sec. 3. The future teachers conditional scholarship program is established. The program shall be administered by the higher education coordinating board. In administering the program, the board shall have the following powers and duties:

(1) Select students to receive conditional scholarships, with the assistance of a screening committee composed of teachers and leaders in government, business, and education;

(2) Adopt necessary rules and guidelines;

(3) Publicize the program;

(4) Collect and manage repayments from students who do not meet their teaching obligations under this chapter; and

(5) Solicit and accept grants and donations from public and private sources for the program.

NEW SECTION. Sec. 4. The higher education coordinating board shall establish a planning committee to develop criteria for the screening and selection of recipients of the conditional scholarships. These criteria shall emphasize factors demonstrating excellence including but not limited to superior scholastic achievement, leadership ability, community contributions, and an ability to act as a role model for targeted ethnic minority students. These criteria also may include, for approximately half of the recipients, requirements that those recipients meet the definition of "needy student" under RCW 28B.10.802.

NEW SECTION. Sec. 5. The board may award conditional scholarships to eligible students from the funds appropriated to the board for this purpose, or from any private donations, or any other funds given to the board for this program. The amount of the conditional scholarship awarded an individual shall not exceed three thousand dollars per academic year. Students are eligible to receive conditional scholarships for a maximum of five years.

NEW SECTION. Sec. 6. (1) Participants in the conditional scholarship program incur an obligation to repay the conditional scholarship, with interest, unless they teach for ten years in the public schools of the state of Washington, under rules adopted by the board.

(2) The terms of the repayment, including deferral of the interest, shall be consistent with the terms of the federal guaranteed loan program.

(3) The period for repayment shall be ten years, with payments accruing quarterly commencing nine months from the date the participant completes or discontinues the course of study.

(4) The entire principal and interest of each payment shall be forgiven for each payment period in which the participant teaches in a public school until the entire repayment obligation is satisfied or the borrower ceases to teach at a public school in this state. Should the participant cease to teach at a public school in this state before the participant's repayment obligation is completed, payments on the unsatisfied portion of the principal and interest shall begin the next payment period and continue until the remainder of the participant's repayment obligation is satisfied.

(5) The board is responsible for collection of repayments made under this section and shall exercise due diligence in such collection, maintaining all necessary records to insure that maximum repayments are made. Collection and servicing of repayments under this section shall be pursued using the full extent of the law, including wage garnishment if necessary, and shall be performed by entities approved for such servicing by the Washington student loan guaranty association or its successor agency. The board is responsible to forgive all or parts of such repayments under the criteria established in this section and shall maintain all necessary records of forgiven payments.

(6) Receipts from the payment of principal or interest or any other subsidies to which the board as administrator is entitled, which are paid by or on behalf of participants under this section, shall be deposited with the higher education coordinating board and shall be used to cover the costs of granting the conditional scholarships, maintaining necessary records, and making collections under subsection (5) of this section. The board shall maintain accurate records of these costs, and all receipts beyond those necessary to pay such costs shall be used to grant conditional scholarships to eligible students.

NEW SECTION. Sec. 7. After consulting with the higher education coordinating board, the governor may transfer the administration of this program to another agency with an appropriate educational mission.

NEW SECTION. Sec. 8. Sections 1 through 7 of this act shall constitute a new chapter in Title 28B RCW.

NEW SECTION. Sec. 9. No conditional scholarships shall be granted after June 30, 1994, until the program is reviewed by the legislative budget committee and is reenacted by the legislature.

NEW SECTION. Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

#### MOTION

On motion of Senator Gaspard, further consideration of Substitute House Bill No. 857 was deferred.

#### SECOND READING

INGROSSED SUBSTITUTE HOUSE BILL NO. 927, by Committee on Judiciary (originally sponsored by Representative Armstrong)

Revising the enforcement of judgments.

The bill was read the second time.

#### MOTION

Senator Talmadge moved that the following Committee on Judiciary amendment be adopted:

Strike everything after the enacting clause and insert the following:

##### \*PART I

##### GENERAL PROVISIONS

NEW SECTION. Sec. 101. Except as otherwise expressly provided, the provisions of this chapter and of chapters 6.04, 6.12, 6.16, 6.20, 6.-- (part VI of this act), 7.12, 7.33, 6.-- RCW (part IX of this act), as recodified by this act, and chapter 6.32 RCW apply to both the superior courts and district courts of this state. If proceedings are before a district court, acts to be performed by the clerk may be performed by a district court judge if there is no clerk. As used in this title, "sheriff" includes deputies, and "execution docket" refers also to the docket of a district court.

NEW SECTION. Sec. 102. For purposes of this title and RCW 4.56.190 and 4.56.210, a judgment of a superior court is entered when it is delivered to the clerk's office for filing. A judgment of a district court of this state is entered on the date of the entry of the judgment in the docket of the court. A judgment of a small claims department of a district court of this state is entered on the date of the entry in the docket of that department.

NEW SECTION. Sec. 103. If the sheriff is a party or otherwise interested in an action in which a writ of execution, attachment, or replevin is to be served, the writ shall be directed to the coroner of the county, or the officer exercising the powers and performing the duties of coroner if there is no coroner, and the person to whom the writ is thus directed shall perform the duties of the sheriff.

NEW SECTION. Sec. 104. (1) When property liable to an execution against several persons is sold on execution, if more than a due proportion of the judgment is levied upon the property of one person, or one of them pays without a sale more than his or her due proportion, that person may compel contribution from the others. When a judgment against several persons is upon an obligation or contract of one of them as security for another, if the surety pays the full amount or any part of the judgment, either by sale of the surety's property or before sale, the surety may compel repayment from the principal.

(2) In either case covered by subsection (1) of this section, the person or surety so paying shall be entitled to the benefit of the judgment to enforce contribution or repayment, if within thirty days after the payment, notice of the payment and claim to contribution or repayment is filed with the clerk of the court where the judgment was rendered.

(3) Upon filing such notice, the clerk shall make an entry thereof in the docket where the judgment is entered.

##### PART II

##### HOMESTEAD EXEMPTION

Sec. 201. Section 1, chapter 64, Laws of 1895 as last amended by section 7, chapter 329, Laws of 1981 and RCW 6.12.010 are each amended to read as follows:

(1) The homestead consists of the dwelling house or the mobile home in which the owner resides or intends to reside, with appurtenant buildings, and the land on which the same are situated(;) and by which the same are surrounded, or improved or unimproved land ((with-out improvements purchased)) owned with the intention of ((building)) placing a house or mobile home thereon and residing thereon. A mobile home may be exempted under this chapter whether or not it is permanently affixed to the underlying land and whether or not the mobile home is placed upon a lot owned by the mobile home owner. Property included in the homestead must be actually intended or used as the principal home for the owner.

(2) As used in this chapter, the term "owner" includes but is not limited to a purchaser under a deed of trust, mortgage, or real estate contract.

(3) As used in this chapter, the term "net value" means market value less all liens and encumbrances.

Sec. 202. Section 2, chapter 64, Laws of 1895 as last amended by section 8, chapter 329, Laws of 1981 and RCW 6.12.020 are each amended to read as follows:

If the owner is married, the homestead may consist of the community or jointly owned property of the spouses or the separate property of either spouse: PROVIDED, That the same premises may not be claimed separately by the husband and wife with the effect of increasing the net value of the homestead available to the marital community beyond the amount specified in RCW 6.12.050 as now or hereafter amended. When the owner is not married, the homestead may consist of any of his or her property.

Sec. 203. Section 24, chapter 64, Laws of 1895 as last amended by section 4, chapter 45, Laws of 1983 1st ex. sess. and RCW 6.12.050 are each amended to read as follows:

A homestead(s) may consist of lands (~~and tenements with the improvements thereon~~), as (~~defined~~) described in RCW 6.12.010, regardless of area, but (~~not exceeding in~~) the homestead exemption amount shall not exceed the lesser of (i) the total net value(;) of (~~both~~) the lands (~~and~~), mobile home, and improvements as described in RCW 6.12.010, or (ii) the sum of (~~twenty-five~~) thirty thousand dollars. (~~The premises thus included in the homestead must be actually intended or used as a home for the owner, and shall not be devoted exclusively to any other purpose.~~)

Sec. 204. Section 9, chapter 329, Laws of 1981 and RCW 6.12.045 are each amended to read as follows:

(1) (~~The homestead exemption described in RCW 6.12.050 applies automatically to the homestead as defined in RCW 6.12.010 if the occupancy requirement of RCW 6.12.050 is met. However, the homestead exemption does not apply to those judgments defined in RCW 6.12.100~~) Property described in RCW 6.12.010 constitutes a homestead and is automatically protected by the exemption described in RCW 6.12.090 from and after the time the property is occupied as a principal residence by the owner or, if the homestead is unimproved or improved land that is not yet occupied as a homestead, from and after the declaration or declarations required by the following subsections are filed for record or, if the homestead is a mobile home not yet occupied as a homestead and located on land not owned by the owner of the mobile home, from and after delivery of a declaration as prescribed in RCW 6.16.090(3)(c).

(2) (~~If~~) An owner (~~elects to~~) who selects (~~the~~) a homestead from unimproved or improved land (~~purchased with the intention of residing thereon, the owner~~) that is not yet occupied as a homestead must execute a declaration of homestead and file the same for record in the office of the recording officer in the county in which the land is located. However, if the owner also owns another parcel of property on which the owner presently resides or in which the owner claims a homestead, the owner must also execute a declaration of abandonment of homestead on (~~the~~) that other property (~~on which the owner presently resides~~;) and file the same for record with the recording officer in the county in which the land is located.

(3) The declaration of homestead must contain:

(a) A statement that the person making it is residing on the premises or (~~has purchased the same for a homestead and~~) intends to reside thereon and claims them as a homestead;

(b) A legal description of the premises; and

(c) An estimate of their actual cash value.

(4) The declaration of abandonment must contain:

(a) A statement that premises occupied as a residence or claimed as a homestead no longer constitute the owner's homestead;

(b) A legal description of the premises; and

(c) A statement of the date of abandonment.

(5) The declaration of homestead and declaration of abandonment of homestead must be acknowledged in the same manner as a grant of real property is acknowledged.

Sec. 205. Section 7, chapter 64, Laws of 1895 as amended by section 14, chapter 329, Laws of 1981 and RCW 6.12.120 are each amended to read as follows:

A homestead is presumed abandoned if the owner vacates the property for a continuous period of at least six months. However, if an owner is going to be absent from the homestead for more than six months but does not intend to abandon the homestead, and has no other (~~permanent~~) principal residence, the owner may execute and acknowledge, in the same manner as a grant of real property is acknowledged, a declaration of nonabandonment of homestead and file the declaration for record in the office of the recording officer of the county in which the property is situated.

The declaration of nonabandonment of homestead must contain:

(1) A statement that the owner claims the property as a homestead, that the owner intends to occupy the property in the future, and that the owner claims no other property as a homestead;

(2) A statement of where the owner will be residing while absent from the (~~premises~~) homestead property, the estimated duration of the owner's absence, and the reason for the absence; and

(3) A legal description of the ~~((premises))~~ homestead property.

Sec. 206. Section 6, chapter 64, Laws of 1895 as amended by section 1, chapter 251, Laws of 1983 and RCW 6.12.110 are each amended to read as follows:

The homestead of a married person cannot be conveyed or encumbered unless the instrument by which it is conveyed or encumbered is executed and acknowledged by both husband and wife, except that a husband or a wife or both jointly may make and execute powers of attorney for the conveyance or encumbrance of the homestead.

Sec. 207. Section 4, chapter 64, Laws of 1895 as last amended by section 13, chapter 329, Laws of 1981 and RCW 6.12.090 are each amended to read as follows:

(1) ~~Except as provided in RCW 6.12.100, the homestead is exempt from attachment and from execution or forced sale~~~~(-except as in this chapter provided; and))~~ for the debts of the owner up to the amount specified in RCW 6.12.050. The proceeds of the voluntary sale of the homestead in good faith for the purpose of acquiring a new homestead, and proceeds from insurance covering destruction of homestead property held for use in restoring or replacing the homestead property, up to the amount specified in RCW 6.12.050, shall likewise be exempt for one year from receipt, and also such new homestead acquired with such proceeds.

(2) Every homestead created under this chapter is presumed to be valid to the extent of all the ~~((lands))~~ property claimed exempt, until the validity thereof is contested in a court of general jurisdiction in the county or district in which the homestead is situated.

Sec. 208. Section 1, chapter 10, Laws of 1982 as amended by section 16, chapter 260, Laws of 1984 and RCW 6.12.100 are each amended to read as follows:

The homestead exemption is ~~((subject to))~~ not available against an execution or forced sale in satisfaction of judgments obtained:

(1) On debts secured by mechanic's, laborer's, materialmen's or vendor's liens upon the premises;

(2) On debts secured by purchase money security agreements describing as collateral ~~((a))~~ the mobile home ~~((located on the premises))~~ that is claimed as a homestead or by mortgages or deeds of trust on the premises, executed and acknowledged by the husband and wife or by any unmarried claimant;

(3) On one spouse's or the community's debts existing at the time of that spouse's bankruptcy filing where (a) bankruptcy is filed by both spouses within a six-month period, ~~((including as a joint case under 11 U.S.C. Sec. 302))~~ other than in a joint case or a case in which their assets are jointly administered, and (b) the other spouse exempts property from property of the estate under the ~~((federal))~~ bankruptcy exemption provisions of 11 U.S.C. Sec. ((522(b)(1))) 522(d);

(4) On debts arising from a lawful court order or decree or administrative order establishing a child support obligation or obligation to pay spousal maintenance.

Sec. 209. Section 30, chapter 260, Laws of 1984 and RCW 6.12.105 are each amended to read as follows:

~~((When a homestead declaration occurs before a judgment, the judgment creditor has))~~ A judgment against the owner of a homestead shall become a lien on the value of the homestead property in excess of the homestead exemption~~(-This lien commences when))~~ from the time the judgment creditor records the judgment with the ~~((auditor))~~ recording officer of the county where the property is located.

Sec. 210. Section 9, chapter 64, Laws of 1895 and RCW 6.12.140 are each amended to read as follows:

When ~~((the))~~ execution for the enforcement of a judgment obtained in a case not within the classes enumerated in RCW 6.12.100 is levied upon the homestead, the judgment creditor ~~((may))~~ shall apply to the superior court of the county in which the homestead is situated for the appointment of a person~~((s))~~ to appraise the value thereof.

Sec. 211. Section 10, chapter 64, Laws of 1895 as amended by section 15, chapter 329, Laws of 1981 and RCW 6.12.150 are each amended to read as follows:

The application under RCW 6.12.140 must be made ~~((upon))~~ by filing a verified petition, showing~~((---))~~:

(1) The fact that an execution has been levied upon the homestead.

(2) The name of the owner of the homestead property.

(3) That the net value of the homestead exceeds the amount of the homestead exemption.

Sec. 212. Section 12, chapter 64, Laws of 1895 as amended by section 16, chapter 329, Laws of 1981 and RCW 6.12.170 are each amended to read as follows:

A copy of the petition, with a notice of the time and place of hearing, must be served upon the owner and the owner's attorney of record, if any, at least ten days before the hearing.

Sec. 213. Section 13, chapter 64, Laws of 1895 as amended by section 1, chapter 118, Laws of 1984 and RCW 6.12.180 are each amended to read as follows:

At the hearing, the judge may, upon the proof of the service of a copy of the petition and notice and of the facts stated in the petition, appoint a disinterested qualified person of the county to appraise the value of the homestead.

Sec. 214. Section 14, chapter 64, Laws of 1895 and RCW 6.12.190 are each amended to read as follows:

The person(s) appointed, before entering upon the performance of ~~(their)~~ duties, must take an oath to faithfully perform the same. The appraiser must view the premises and appraise the market value thereof and, if the appraised value, less all liens and encumbrances, exceeds the homestead exemption, must determine whether the land claimed can be divided without material injury. Within fifteen days after appointment, the appraiser must make to the court a report in writing, which report must show the appraised value, less liens and encumbrances, and, if necessary, the determination whether or not the land can be divided without material injury and without violation of any governmental restriction.

Sec. 215. Section 17, chapter 64, Laws of 1895 as amended by section 17, chapter 329, Laws of 1981 and RCW 6.12.220 are each amended to read as follows:

If, from the report, it appears to the court that the value of the homestead, less liens and encumbrances, exceeds the homestead exemption and the property can be divided without material injury and without violation of any governmental restriction, the court ~~((must))~~ may, by an order, direct the appraiser(s) to set off to the owner so much of the land, including the residence, as will amount in net value to the homestead exemption, and the execution may be enforced against the remainder of the land.

Sec. 216. Section 18, chapter 64, Laws of 1895 as amended by section 18, chapter 329, Laws of 1981 and RCW 6.12.230 are each amended to read as follows:

If, from the report, it appears to the court that the ~~((homestead exceeds in))~~ appraised value of the homestead property, less liens and encumbrances, exceeds the amount of the homestead exemption and ((that it cannot be)) the property is not divided, the court must make an order directing its sale under the execution. The order shall direct that at such sale no bid may be received unless it exceeds the amount of the homestead exemption.

Sec. 217. Section 20, chapter 64, Laws of 1895 as amended by section 19, chapter 329, Laws of 1981 and RCW 6.12.250 are each amended to read as follows:

If the sale is made, the proceeds must be applied in the following order: First, to the amount of the homestead exemption, to be paid to the judgment debtor; second, up to the amount of the execution, to be applied to the satisfaction of the execution; third, the balance to be paid to the judgment debtor.

Sec. 218. Section 21, chapter 64, Laws of 1895 as last amended by section 20, chapter 329, Laws of 1981 and RCW 6.12.260 are each amended to read as follows:

The money paid to the owner is entitled to the same protection against legal process and the voluntary disposition of the husband or wife which the law gives to the homestead.

Sec. 219. Section 22, chapter 64, Laws of 1895 as amended by section 2, chapter 118, Laws of 1984 and RCW 6.12.270 are each amended to read as follows:

The court shall determine a reasonable compensation for the appraiser.

Sec. 220. Section 23, chapter 64, Laws of 1895 and RCW 6.12.280 are each amended to read as follows:

The execution creditor must pay the costs of these proceedings in the first instance; but in the cases provided for in RCW 6.12.220 and 6.12.230 the amount so paid must be added as costs on execution, and collected accordingly.

Sec. 221. Section 26, chapter 64, Laws of 1895 as amended by section 4, chapter 80, Laws of 1977 ex. sess. and RCW 6.12.300 are each amended to read as follows:

In case of a homestead, if either the husband or wife shall be or become incompetent or disabled to such a degree that he or she is unable to assist in the management of his or her interest in the marital property and no guardian has been appointed, upon application of the ~~((husband or wife not so incompetent or disabled))~~ other spouse to the superior court of the county in which the homestead is situated, and upon due proof of such incompetency or disability in the severity required above, the court may make an order permitting the husband or wife applying to the court to sell and convey or mortgage such homestead.

Sec. 222. Section 27, chapter 64, Laws of 1895 as amended by section 5, chapter 80, Laws of 1977 ex. sess. and RCW 6.12.310 are each amended to read as follows:

Notice of the application for such order shall be given by publication of the same in a newspaper published in the county in which such homestead is situated, if there be a newspaper published therein, once each week for three successive weeks prior to the hearing of such application, and a copy of such notice shall be served upon the alleged incompetent husband or wife personally, and upon the nearest relative of such incompetent or disabled husband or wife other than the applicant, resident in this state, at least three weeks prior to such application being heard, and in case there be no such relative known to the applicant, a copy of such notice shall be served upon the prosecuting attorney of the county in which such homestead is situated; and it is hereby made the duty of such prosecuting attorney, upon being served with a copy of such notice, to appear in court and see that such application is made in good faith, and that the proceedings thereon are fairly conducted.

Sec. 223. Section 28, chapter 64, Laws of 1895 as amended by section 6, chapter 80, Laws of 1977 ex. sess. and RCW 6.12.320 are each amended to read as follows:

Thirty days before the hearing of any application under the provisions of this chapter, the applicant shall present and file in the court in which such application is to be heard a petition for the order mentioned, subscribed and sworn to by the applicant, setting forth the name and

age of the alleged incompetent or disabled husband or wife; a description of the premises constituting the homestead; the value of the same; the county in which it is situated; such facts necessary to show that the nonpetitioning husband or wife is incompetent or disabled to the degree required under RCW 6.12.300; and such additional facts relating to the circumstances and necessities of the applicant and his or her family as he or she may rely upon in support of the petition.

Sec. 224. Section 29, chapter 64, Laws of 1895 and RCW 6.12.330 are each amended to read as follows:

If the court shall make the order provided for in RCW 6.12.300, the same shall be entered upon the minutes of the court, and thereafter any sale, conveyance ~~((for))~~, or mortgage made in pursuance of such order shall be as valid and effectual as if the property affected thereby was the absolute property of the person making such sale, conveyance, or mortgage in fee simple.

NEW SECTION. Sec. 225. The following acts or parts of acts are each repealed:

(1) Section 32, chapter 64, Laws of 1895, section 11, chapter 329, Laws of 1981 and RCW 6.12.070;

(2) Section 33, chapter 64, Laws of 1895, section 12, chapter 329, Laws of 1981 and RCW 6.12.080;

(3) Section 11, chapter 64, Laws of 1895 and RCW 6.12.160;

(4) Section 15, chapter 64, Laws of 1895 and RCW 6.12.200;

(5) Section 16, chapter 64, Laws of 1895 and RCW 6.12.210; and

(6) Section 19, chapter 64, Laws of 1895 and RCW 6.12.240.

#### PART III

#### PERSONAL EXEMPTIONS

Sec. 301. Section 253, page 178, Laws of 1854 as last amended by section 8, chapter 45, Laws of 1983 1st ex. sess. and RCW 6.16.020 are each amended to read as follows:

Except as provided in RCW 6.16.080, the following personal property shall be exempt from execution ~~((and))~~, attachment, ~~((except as hereinafter specially provided))~~ and garnishment:

(1) All wearing apparel of every ~~((person))~~ individual and family, but not to exceed seven hundred fifty dollars in value in furs, jewelry, and personal ornaments for any ~~((person))~~ individual.

(2) All private libraries of every individual, but not to exceed one thousand dollars in value, and all family pictures and keepsakes.

(3) To each ~~((person or family))~~ individual or, as to community property of spouses maintaining a single household as against a creditor of the community, to the community:

(a) The ~~((person's or family's))~~ individual's or community's household goods, appliances, furniture, and home and yard equipment, not to exceed one thousand five hundred dollars in value;

(b) Provisions and fuel for the comfortable maintenance of ~~((such person or family))~~ the individual or community for three months; ~~((and))~~

(c) Other property, except personal earnings as provided under RCW 6.16.090(1), not to exceed five hundred dollars in value, of which not more than one hundred dollars in value may consist of cash, bank accounts, savings and loan accounts, stocks, bonds, or other securities~~(:); and~~

~~((4) To any person or family;)) (d) One motor vehicle which is used for personal transportation, not to exceed one thousand two hundred dollars in value.~~

~~((5)) To each qualified individual, one of the following exemptions:~~

~~((a) To a farmer, farm trucks, farm stock, farm tools, farm equipment, supplies and seed, not to exceed three thousand dollars in value(:);~~

~~((6)) (b) To a physician, surgeon, attorney, clergyman, or other professional person, the ~~((person's))~~ individual's library, office furniture, office equipment and supplies, not to exceed three thousand dollars in value(:);~~

~~((7)) (c) To any other ~~((person))~~ individual, the tools and instruments and materials used to carry on his or her trade for the support of himself or herself or family, not to exceed three thousand dollars in value.~~

~~((The property referred to in the foregoing subsection (3) shall be selected by any adult member of the family on behalf of the family or the person, if present, and in case no adult member of the family or person is present to make the selection, then the sheriff or the director of public safety shall make a selection equal in value to the applicable exemptions above described and he shall return the same as exempt by inventory. Any selection made as above provided shall be prima facie evidence (a) that the property so selected is exempt from execution and attachment, and (b) that the property so selected is not in excess of the values specified for the exemptions. Except as above provided, the exempt property shall be selected by the person claiming the exemption. No person shall be entitled to more than one exemption under the provisions of the foregoing subsections (5), (6) and (7).))~~

~~For purposes of this section "value" shall mean the reasonable market value of the article or item at the time of its selection, and shall be of the debtor's interest therein, exclusive of all liens and encumbrances thereon.~~

Wages, salary, or other compensation regularly paid for personal services rendered by the person claiming the exemption may not be claimed as exempt under the foregoing provisions, but the same may be claimed as exempt in any bankruptcy or insolvency proceeding to the same extent as allowed under the statutes relating to garnishments.

No property shall be exempt under this section from an execution issued upon a judgment for all or any part of the purchase price thereof, or for any tax levied upon such property.)

For purposes of this section, "value" means the reasonable market value of the debtor's interest in an article or item at the time it is selected for exemption, exclusive of all liens and encumbrances thereon.

Sec. 302. Section 1, page 88, Laws of 1890 and RCW 6.16.030 are each amended to read as follows:

Unless otherwise provided by federal law, any money received by any citizen of the state of Washington as a pension from the government of the United States, whether the same be in the actual possession of such person or be deposited or loaned ((by him)), shall be exempt from execution, attachment, garnishment, or seizure by or under any legal process whatever, and when a debtor dies, or absconds, and leaves his or her family any money exempted by this section, the same shall be exempt to the family as provided in this section.

Sec. 303. Section 1, chapter 76, Laws of 1895 and RCW 6.16.050 are each amended to read as follows:

((That whenever)) If property, which by the laws of this state is exempt from execution ((or), attachment, or garnishment, is insured and the same is lost, stolen, or destroyed ((by fire)), then the insurance money coming to or belonging to the person thus insured, to an amount equal to the exempt property thus destroyed, shall be exempt from execution ((and)), attachment, and garnishment.

Sec. 304. Section 252, page 178, Laws of 1854 as last amended by section 14, chapter 154, Laws of 1973 1st ex. sess. and RCW 6.16.070 are each amended to read as follows:

All real and personal ((estate)) property belonging to any married person at the time of his or her marriage, and all which he or she may have acquired subsequently to such marriage, or to which he or she shall hereafter become entitled in his or her own right, and all his or her personal earnings, and all the issues, rents and profits of such real ((estate)) property, shall be exempt from ((attachment and)) execution, attachment, and garnishment upon any liability or judgment against the other spouse, so long as he or she or any minor heir of his or her body shall be living: PROVIDED, That the separate property of each spouse shall be liable for debts owing by him or her at the time of marriage.

Sec. 305. Section 344, page 88, Laws of 1869 as last amended by section 2, chapter 149, Laws of 1981 and RCW 6.16.080 are each amended to read as follows:

(1) Wages, salary, or other compensation regularly paid for personal services rendered by the debtor claiming the exemption shall not be claimed as exempt under RCW 6.16.020, but the same may be claimed as exempt in any bankruptcy or insolvency proceeding to the same extent as allowed under the statutes relating to garnishments.

(2) No property may be exempt under RCW 6.16.020 from execution, attachment, or garnishment issued upon a judgment for all or any part of the purchase price of the property.

(3) No property may be exempt under RCW 6.16.020 from legal process issued upon a judgment for any tax levied upon such property.

(4) Nothing in this chapter shall be so construed as to prevent ((the mortgaging of)) a debtor from creating a security interest in personal property which might be claimed as exempt, or the enforcement of such ((mortgage, nor to prevent the waiver of the right of exemption by failure to claim the same prior to sale under execution, and nothing in this chapter shall be construed to exempt from attachment or execution the personal property of a nonresident of this state, or a person who has left or is about to leave the state with the intention to defraud his creditors, or)) security interest against the property.

(5) Nothing in this chapter shall be construed to exempt personal property of a nonresident of this state or of an individual who has left or is about to leave this state with the intention to defraud his or her creditors.

(6) Personal property exemptions are waived by failure to claim them prior to sale of exemptible property under execution or, in a garnishment proceeding, within the time specified in section 1016 of this 1987 act.

(7) Personal property exemptions may not be claimed by one spouse in a bankruptcy ((proceeding where (†))) case that is not a joint case or a joint administration of the estate with the bankruptcy estate of the other spouse where (a) bankruptcy is filed by both spouses within a six-month period, ((including as a joint case under 11 U.S.C. Sec. 302, and (2) the other)) and (b) one spouse exempts property from the estate under the ((federal)) bankruptcy exemption provisions of 11 U.S.C. Sec. ((522(b)(†))) 522(d).

Sec. 306. Section 346, page 88, Laws of 1869 as last amended by section 15, chapter 154, Laws of 1973 1st ex. sess. and RCW 6.16.090 are each amended to read as follows:

((As used in this section the masculine shall apply also to the feminine.

When)) (1) Except as provided in subsection (2) of this section, property claimed exempt under RCW 6.16.020 shall be selected by the individual entitled to the exemption, or by the

husband or wife entitled to a community exemption, in the manner described in subsection (3) of this section.

(2) If, at the time of seizure under execution or attachment of property exemptible under RCW 6.16.020(3) (a), (b), or (c), the individual or the husband or wife entitled to claim the exemption is not present, then the sheriff or deputy shall make a selection equal in value to the applicable exemptions and, if no appraisal is required as permitted under subsection (4) of this section, the officer shall return the same as exempt by inventory. Any selection made as provided shall be prima facie evidence (a) that the property so selected is exempt from execution and attachment, and (b) that the property so selected is not in excess of the values specified for the exemptions.

(3)(a) A debtor who claims personal property as exempt ((he)) against execution or attachment shall, at any time before sale, deliver to the officer making the levy a list by separate items of the property claimed as exempt, together with an itemized list of all the personal property owned or claimed by ((him)) the debtor, including money, bonds, bills, notes, claims and demands, with the residence of the person indebted upon the said bonds, bills, notes, claims and demands, and shall verify such list by affidavit. ((He shall also deliver to such officer a list by separate items of the property he claims as exempt.)) The officer shall immediately advise the creditor, attorney, or agent of the exemption claim and, if no appraisal is required as permitted under subsection (4) of this section, the officer shall return with the process the list of property claimed as exempt.

(b) A debtor who claims personal property exempt against garnishment shall proceed as provided in section 1016 of this 1987 act.

(c) A debtor who claims as a homestead, under chapter 6.12 RCW, a mobile home that is not yet occupied as a homestead and that is located on land not owned by the debtor shall claim the homestead as against a specific levy by delivering to the sheriff who levied on the mobile home, before sale under the levy, a declaration of homestead that contains (i) a declaration that the debtor owns the mobile home, intends to reside therein, and claims it as a homestead, and (ii) a description of the mobile home, a statement where it is located or was located before the levy, and an estimate of its actual cash value.

(4)(a) Except as provided in (b) of this subsection, a creditor, or the agent or attorney of a creditor, who wishes to object to a claim of exemption shall proceed as provided in section 1016 of this 1987 act.

(b) A creditor, or the agent or attorney of the creditor, who wishes to object to a claim of exemption made to a levying officer, on the ground that the property claimed exceeds exemptible value, may demand appraisal. In the absence of such demand within seven days following the officer's giving of notice of the claim, the officer shall release to the debtor the property claimed as exempt. If the creditor, ((his)) or the agent or attorney of the creditor, demands an appraisal ((thereof, two disinterested householders of the neighborhood)), two persons shall be chosen to appraise the property, one by the debtor and the other by the creditor, ((his)) agent or attorney, and these two, if they cannot agree, shall select a third; but if either party fails to choose an appraiser, or the two fail to select a third, or if one or more of the appraisers fail to act, the ((officer)) court shall appoint one or more as the circumstances require. The appraisers shall forthwith proceed to make a list by separate items, of the personal property selected by the debtor as exempt, which they shall decide as exempt, stating the value of each article, and annexing to the list their affidavit to the following effect: "We solemnly swear that to the best of our judgment the above is a fair cash valuation of the property therein described," which affidavit shall be signed by two appraisers at least, and be certified by the officer administering the oaths. The list shall be delivered to the officer holding the execution or ((other process)) attachment and be ((by him)) annexed to and made part of ((his)) return, and the property therein specified shall be exempt from levy and sale, ((and)) but the other personal estate of the debtor shall remain subject ((thereto)) to execution, attachment, or garnishment. ((In case no appraisal be required the officer shall return with the process the list of the property claimed as exempt by the debtor. The appraisers)) Each appraiser shall ((each)) be entitled to ((one)) fifteen dollars or such larger fee as shall be fixed by the court, to be paid by the creditor(;) if all the property claimed by the debtor shall be exempt; otherwise to be paid by the debtor.

NEW SECTION. Sec. 307. If from an appraisal it appears that the value of the property claimed exempt, exclusive of liens and encumbrances, exceeds the exemptible value and the property is indivisible, the property shall be put up for sale on execution, but at the sale no bid may be received unless it exceeds the exempt value. The proceeds of a sale in excess of the exempt value shall be paid, first, to the debtor to the extent of the exempt amount; second, up to the amount of the execution, to the satisfaction of the execution; third, the balance to be paid to the debtor. A judgment creditor who is the successful bidder at the sale must pay the exempt amount in cash.

NEW SECTION. Sec. 308. The following acts or parts of acts are each repealed:

(1) Section 2, chapter 57, Laws of 1897, section 6, chapter 292, Laws of 1971 ex. sess., section 12, chapter 154, Laws of 1973 1st ex. sess. and RCW 6.16.010; and

(2) Section 2, page 89, Laws of 1890 and RCW 6.16.040.

PART IV  
EXECUTIONS

NEW SECTION. Sec. 401. Unless otherwise expressly provided, all provisions of this chapter governing execution against personal property apply to proceedings before district courts of this state, but the district courts shall not have power to issue writs of execution against real property or any interest in real property or against a vendor's interest in a real estate contract.

Sec. 402. Section 2, chapter 25, Laws of 1929 as last amended by section 4, chapter 105, Laws of 1980 and RCW 6.04.010 are each amended to read as follows:

The party in whose favor a judgment of a court of record of this state or a district court of this state has been ~~(;)~~ or may ~~((hereafter))~~ be ~~(;)~~ rendered, or ~~((his))~~ the assignee, may have an execution issued for the collection or enforcement of the ~~((same;))~~ judgment at any time within ten years from ~~((the rendition thereof))~~ entry of the judgment.

Sec. 403. Section 7, chapter 25, Laws of 1929 as amended by section 2, chapter 8, Laws of 1957 and RCW 6.04.070 are each amended to read as follows:

~~((in all cases in which))~~ When a judgment ~~((heretofore or hereafter))~~ recovered in any court of this state ~~(;)~~ has been ~~((or shall be))~~ assigned ~~((to any person))~~, execution may issue in the name of the assignee ~~(-upon))~~ after the assignment ((being)) has been recorded in the execution docket (; by the clerk of the court in which the judgment ~~((is))~~ was recovered ~~((and in all cases in which a judgment has been or shall be recovered in any such court, and))~~, When the person in whose name execution might have issued ~~(;)~~ has died ~~((or shall die))~~, execution may issue in the name of the executor, administrator or legal representative of such deceased person ~~(-upon))~~ after letters testamentary or of administration ~~(;)~~ or other sufficient proof ~~((being))~~ has been filed in ((said)) the cause and ((minuted upon)) recorded in the execution docket (; by the clerk of the court in which ~~((said))~~ the judgment ((is)) was entered ~~(;- and upon an order of said court or the judge thereof, which may be made on an ex parte application))~~.

NEW SECTION. Sec. 404. In addition to any stay of execution provided by court rule, stay of execution shall be allowed on judgments of the courts of this state for the following periods upon the judgment debtor filing with the clerk of the court in which the judgment was entered a bond in double the amount of the judgment and costs, with surety to the satisfaction of the clerk, conditioned to pay the judgment, interests, costs, and increased costs, at the expiration of the stay period. If execution is issued before elapse of the stay period, the judgment debtor may nevertheless stay execution for the balance of the period by filing the required bond.

(1) In the supreme court and the court of appeals, the period of stay, measured from date of entry of judgment, shall be:

- (a) On all sums under five thousand dollars, thirty days;
- (b) On all sums over five and under fifteen thousand dollars, sixty days; and
- (c) On all sums over fifteen thousand dollars, ninety days.

(2) On judgments rendered in the superior court or a district court of this state, the period of stay shall be:

- (a) On all sums under three thousand dollars, two months;
- (b) On all sums over three thousand and under ten thousand dollars, five months; and
- (c) On all sums over ten thousand dollars, six months.

NEW SECTION. Sec. 405. If execution of a judgment is stayed as permitted by section 404 of this act and the judgment is not satisfied at expiration of the stay period, at any time thereafter the judgment creditor may, upon motion supported by an affidavit that the judgment or any part of it is unpaid and stating how much still remains due, have judgment against the surety on the bond for the balance remaining due, and have an execution on the judgment against the surety, on which stay shall not be allowed.

Sec. 406. Section 3, chapter 25, Laws of 1929 and RCW 6.04.020 are each amended to read as follows:

There shall be three kinds of executions ~~((one))~~: First, against the property of the judgment debtor ~~((the))~~; second, for the delivery of the possession of real or personal property ~~(;)~~ or such delivery with damages for withholding the same ~~(;)~~; and ~~((the))~~ third, commanding the enforcement of or obedience to any ~~((spectat))~~ other order of the court ((and)). In all cases there shall be an order to collect the costs.

Sec. 407. Section 1, chapter 25, Laws of 1929 as amended by section 1, chapter 8, Laws of 1957 and RCW 6.04.030 are each amended to read as follows:

When any judgment of a court ~~((of record))~~ of this state requires the payment of money ~~(;)~~ or the delivery of real or personal property, ~~((the same))~~ it may be enforced ~~((in those respects))~~ by execution. When ~~((it))~~ a judgment of a court of record requires the performance of any other act, a certified copy of the judgment may be served on the party against whom it is given ~~(;)~~ or the person or officer who is required ~~((thereby;))~~ by the judgment or by law ~~(;)~~ to obey the same, and a writ ~~((shall))~~ may be issued commanding ((him)) the person or officer to obey or enforce the ((same)) judgment. ((If he refuses, he)) Refusal to do so may be punished by the court as for contempt.

Sec. 408. Section 604, page 154, Laws of 1869 as last amended by section 664, Code of 1881 and RCW 6.04.140 are each amended to read as follows:

~~((H)) No execution may issue for collection of a judgment ((be given)) for the recovery of money or damages against ((such)) a county or other public corporation((no execution shall issue thereon for the collection of such money or damages, but such judgment in such respect shall be satisfied)). Any such judgment may be enforced as follows:~~

~~(1) The ((party in whose favor such judgment is given)) judgment creditor may at any time ((thereafter)) when execution might issue on a like judgment against a private person, ((present a certified transcript of the docket thereof to the officer of such county or other public corporation who is authorized to draw orders on the treasury thereof)) and after acknowledging satisfaction of the judgment as in ordinary cases, obtain from the clerk a certified transcript of the judgment. The clerk shall include in the transcript a copy of the memorandum of acknowledgment of satisfaction and the entry thereof as the basis for an order on the treasurer for payment. Unless the transcript contains such memorandum, no order upon the treasurer shall issue thereon.~~

~~(2) ((On the presentation of such transcript such)) The judgment creditor shall present the certified transcript showing satisfaction of the judgment to the officer of the county or other public corporation who is authorized to draw orders on its treasury.~~

~~(3) The officer shall draw an order on ((such)) the treasurer for the amount of the judgment, in favor of the ((party for whom the same was given. Thereafter such)) judgment creditor. The order shall be presented for payment and paid with like effect and in like manner as other orders upon the treasurer ((of such county or other public corporation).~~

~~(3) The certified transcript herein provided for shall not be furnished by the clerk unless at the time an execution might issue on such judgment if the same were against a private person, nor until satisfaction of the same judgment in respect to such money or damages be acknowledged as in ordinary cases. The clerk shall include in the transcript the memorandum of such acknowledgment of satisfaction and the entry thereof. Unless the transcript contain such memorandum, no order upon the treasurer shall issue thereon). If the proper officer of the county or other public corporation fails or refuses to draw the order for payment of the judgment as provided in this section, a writ of mandamus may be issued in the original case to compel performance of the duty.~~

Sec. 409. Section 6, chapter 25, Laws of 1929 and RCW 6.04.060 are each amended to read as follows:

All property, real and personal, of the judgment debtor(:) that is not exempted by law(:) shall be is liable to execution.

Sec. 410. Section 4, chapter 329, Laws of 1981 and RCW 6.04.035 are each amended to read as follows:

(1) Before a writ of execution may issue on any real property, the judgment creditor must file with the court an affidavit ((with the court stating:

~~(a) That the judgment creditor has exercised due diligence to ascertain if the judgment debtor has sufficient nonexempt personal property to satisfy the judgment with interest; a list of the personal property so located and whether the judgment creditor believes the items to be exempt; and a statement that, after diligent search, there is not sufficient nonexempt personal property belonging to the judgment debtor to satisfy the judgment;~~

~~(b) That the judgment creditor has exercised due diligence in ascertaining whether the property is occupied or claimed as a homestead by the judgment debtor, as defined in chapter 6.12 RCW;~~

~~(c) Whether or not the judgment debtor is currently occupying the property as the judgment debtor's permanent residence and whether there is a declaration of homestead or nonabandonment of record, if the affidavit alleges that the property is not occupied or claimed as a homestead, the creditor must list the facts relied upon to reach that conclusion; and~~

~~(d) If the judgment debtor is not occupying the property and there is no declaration of nonabandonment of record, that the judgment debtor has been absent for a period of at least six months and the judgment debtor's current address if known)) as described in subsection (4) of this section and must mail a copy of the affidavit to the judgment debtor at the debtor's last known address.~~

(2) If the affidavit attests that the premises are occupied or otherwise claimed as a homestead by the judgment debtor, the execution for the enforcement of a judgment obtained in a case not within the classes enumerated in RCW 6.12.100 must comply with RCW 6.12.140 through 6.12.250.

(3) The term "due diligence," as used in subsection (4) of this section, includes but is not limited to the creditor or the creditor's representative personally visiting the premises, contacting the occupants and inquiring about their relationship to the judgment debtor, contacting immediate neighbors of the premises, and searching the records of the auditor of the county in which the property is located to determine if a declaration of homestead or nonabandonment has been ~~((filed))~~ recorded by the judgment debtor. ~~((A copy of the affidavit must be mailed to the judgment debtor at the debtor's last known address.~~

If the affidavit attests that the premises are occupied or claimed as a homestead by the judgment debtor, the execution for the enforcement of a judgment obtained in a case not

~~within the classes enumerated in RCW 6.12.100 must comply with RCW 6.12.140 through 6.12.250;~~) (4) The affidavit required by this section shall include:

(a) A statement that the judgment creditor has exercised due diligence to ascertain whether the judgment debtor has sufficient nonexempt personal property to satisfy the judgment with interest and believes that there is not sufficient nonexempt personal property belonging to the judgment debtor to so satisfy the judgment. A list of personal property located shall be attached with an indication of any items that the judgment creditor believes to be exempt.

(b) A statement that the judgment creditor has exercised due diligence to ascertain whether the property is occupied or otherwise claimed by the judgment debtor as a homestead as defined in chapter 6.12 RCW.

(c) A statement based on belief whether the judgment debtor is currently occupying the property as the judgment debtor's principal residence and whether there is a declaration of homestead or nonabandonment of record. If the affidavit alleges that the property is not occupied or claimed as a homestead, the creditor must list the facts relied upon to reach that conclusion.

(d) If the judgment debtor is not occupying the property and there is no declaration of nonabandonment of record, a statement based on belief whether the judgment debtor has been absent for a period of at least six months, with facts relied upon to reach that conclusion, and, if known, the judgment debtor's current address.

Sec. 411. Section 4, chapter 25, Laws of 1929 as amended by section 5, chapter 329, Laws of 1981 and RCW 6.04.040 are each amended to read as follows:

(1) The writ of execution shall be issued in the name of the state of Washington, sealed with the seal of the court, and subscribed by the clerk of the court in which the judgment was entered, and shall be directed to the sheriff of the county in which the property is situated ~~(-or to the coroner of such county, or the officer exercising the powers and performing the duties of coroner in case there be no coroner, when the sheriff is a party, or interested, and)~~. The writ shall intelligibly refer to the judgment, stating the court, the county where the judgment was rendered, the names of the parties, the amount of the judgment if it be for money, and the amount actually due thereon~~(:);~~; and if the judgment has been recorded, the writ shall so indicate and shall state the recording number.

(2) Before an execution is delivered on a judgment of a district court of this state, the amount of the judgment, or damages and costs, and the fees due to each person separately shall be entered in the docket and on the back of the execution. In any proceeding to enforce a judgment certified to a district court from the small claims department under RCW 12.40.110, the execution shall include the amount of the judgment owed plus reasonable costs and reasonable attorneys' fees incurred by the judgment creditor in seeking enforcement of the judgment in district court.

(3) A writ shall require substantially as follows:

~~((1))~~ (a) If the execution ~~((be))~~ is against the property of the judgment debtor, it shall require the officer to satisfy the judgment~~((-with interest-))~~ out of the personal property of the debtor unless an affidavit has been filed with the court pursuant to RCW 6.04.035, in which case it shall require that the judgment~~((-with interest-))~~ be satisfied out of the real property of the debtor.

~~((2))~~ (b) If the execution ~~((be))~~ is against real or personal property in the hands of a personal representative~~((s))~~, heir~~((s))~~, devisee~~((s))~~, legatee~~((s))~~, tenant~~((s))~~ of real property, or trustee~~((s))~~, it shall require the officer to satisfy the judgment~~((-with interest-))~~ out of such property.

~~((3))~~ (c) If the execution ~~((be))~~ is for the delivery of real or personal property, it shall particularly describe the property and state its value and require the officer to deliver possession of ~~((the same, particularly describing it-))~~ it to the party entitled thereto, and may, at the same time, require the officer to satisfy any charges, damages, or rents and profits recovered by the same judgment, out of the personal property of the party against whom it was rendered~~((-and the value of the property for which the judgment was recovered, shall be specified therein))~~. If ~~((a delivery of))~~ the property described in the execution cannot be ~~((had))~~ delivered, and if sufficient personal property cannot be found to satisfy the judgment, it shall be satisfied out of the real property of the party against whom the judgment was rendered.

~~((4) When )~~ (d) If the execution is to enforce obedience to any ~~((special))~~ order, it shall particularly command what is required to be done or to be omitted.

~~((5) When))~~ (e) If the nature of the case ~~((shall))~~ requires it, the execution may embrace ~~((one))~~ two or more of the requirements ~~((above mentioned- And))~~ of this section.

(f) In all cases the execution shall require the collection of all interest, costs, and increased costs thereon.

Sec. 412. Section 5, chapter 25, Laws of 1929 as amended by section 1, chapter 45, Laws of 1983 1st ex. sess. and RCW 6.04.050 are each amended to read as follows:

The sheriff or other officer shall indorse upon the writ of execution ~~((the time when he received the same))~~ in ink, the day, hour, and minute when the writ first came into his or her hands, and the execution shall be ~~((returnable))~~ returned with a report of proceedings under

the writ within sixty days after its date to the clerk who issued it. ((No sheriff or other officer shall retain any moneys collected on execution, more than twenty days before paying the same to the clerk of the court who issued the writ, under penalty of twenty percent on the amount collected, to be paid by the sheriff or other officer, one half to the party to whom the judgment is payable, and the other half to the county treasurer of the county wherein the action was brought, for the use of the school fund of said county. The clerk shall notify the party to whom the same is payable, and pay over the amount to the party as provided for by court order.)) When there are several writs of execution or of execution and attachment against the same debtor, they shall be executed in the order in which they were received by the sheriff.

Sec. 413. Section 351, page 91, Laws of 1869 as last amended by section 7, chapter 276, Laws of 1984 and RCW 6.04.100 are each amended to read as follows:

When the writ of execution is against the property of the judgment debtor, the sheriff shall set the date of sale and serve on the debtor, in the same manner as service of a summons in a civil action, or cause to be transmitted by both regular mail and certified mail, return receipt requested, a copy of the writ, together with copies of RCW 6.12.010, 6.12.045, 6.12.050, 6.16.020, and 6.16.090 (~~each as now existing or hereafter amended~~), and shall at the time of service, or with the mailing, notify the judgment debtor of the date of sale (~~and shall execute the writ as follows~~):

(1) If property has been attached, he shall indorse on the execution, and pay to the clerk forthwith the amount of the proceeds of sales of perishable property or debts due the defendant received by him, sufficient to satisfy the judgment:

(2) If the judgment is not then satisfied, and property has been attached and remains in his custody, he shall sell the same, or sufficient thereof to satisfy the judgment:

(3) If then any portion of the judgment remains unsatisfied, or if no property has been attached or the same has been discharged, he shall levy on the property of the judgment debtor, sufficient to satisfy the judgment:

(4) Property shall be levied on in like manner and with like effect as similar property is attached:

(5) Until a levy, personal property shall not be affected by the execution. When property has been sold or debts received by the sheriff on execution, he shall pay the proceeds thereof, or sufficient to satisfy the judgment, as commanded in the writ:

(6) When property has been attached and it is probable that such property will not be sufficient to satisfy the judgment, the execution may be levied on other property of the judgment debtor without delay. If after satisfying the judgment any property, or the proceeds thereof, remain in the custody of the sheriff, he shall deliver the same to the judgment debtor). If service on the judgment debtor must be effected by publication, only the following notice need be published under the caption of the case:

To . . . . . Judgment Debtor:

A writ of execution has been issued in the above-captioned case, directed to the sheriff of . . . . . county, commanding the sheriff as follows:

"WHEREAS, ... (Quoting body of writ of execution)."

The sale date has been set for . . . . . YOU MAY HAVE A RIGHT TO EXEMPT PROPERTY from the sale under statutes of this state, including sections 6.12.010, 6.12.045, 6.12.050, 6.16.020, and 6.16.090 of the Revised Code of Washington, in the manner described in those statutes.

NEW SECTION. Sec. 414. The sheriff shall, at a time as near before or after service on the judgment debtor as is possible, execute the writ as follows:

(1) If property has been attached, the sheriff shall indorse on the execution, and pay to the clerk forthwith, if he or she has not already done so, the amount of the proceeds of sales of perishable property or debts due the defendant previously received, sufficient to satisfy the judgment.

(2) If the judgment is not then satisfied, and property has been attached and remains in custody, the sheriff shall sell the same, or sufficient thereof to satisfy the judgment. When property has been attached and it is probable that such property will not be sufficient to satisfy the judgment, the sheriff may, on instructions from the judgment creditor, levy on other property of the judgment debtor without delay.

(3) If then any portion of the judgment remains unsatisfied, or if no property has been attached or the same has been discharged, the sheriff shall levy on the property of the judgment debtor, sufficient to satisfy the judgment, in the manner described in RCW 7.12.130.

(4) If, after the judgment is satisfied, any property remains in custody, the sheriff shall deliver it to the judgment debtor.

(5) Until a levy, personal property shall not be affected by the execution.

(6) When property has been sold or debts received on execution, the sheriff shall pay the proceeds to the clerk who issued the writ, for satisfaction of the judgment as commanded in the writ or for return of any excess proceeds to the judgment debtor. No sheriff or other officer may retain any moneys collected on execution more than twenty days before paying the same to the clerk of the court who issued the writ.

NEW SECTION, Sec. 415. Upon receipt of proceeds from the sheriff on execution, the clerk shall notify the party to whom the same is payable, and pay over the amount to that party as required by law. If any proceeds remain after satisfaction of the judgment, the clerk shall pay the excess to the judgment debtor.

Sec. 416. Section 13, page 42, Laws of 1886 as amended by section 1, chapter 100, Laws of 1927 and RCW 7.12.130 are each amended to read as follows:

The sheriff to whom the writ is directed and delivered ~~((must))~~ shall execute the same without delay as follows:

(1) Real property shall be ~~((attached))~~ levied on by ~~((filing))~~ recording a copy of the writ, together with a description of the property attached, with the ~~((county auditor))~~ recording officer of the county in which the ~~((attached))~~ real estate is situated.

(2) Personal property, capable of manual delivery, shall be ~~((attached))~~ levied on by taking into custody.

(3) ~~((Stock or shares, or interest in stock or shares, of any corporation, association or company, shall be attached by leaving with the president or other head of the same, or the secretary, cashier or managing agent thereof, a copy of the writ, and a notice stating that the stock or interest of the defendant is attached in pursuance of such writ))~~. Shares of stock and other investment securities shall be levied on in accordance with the requirements of RCW 62A.8-317.

(4) A fund in court shall be levied on by leaving a copy of the writ with the clerk of the court with notice in writing specifying the fund.

(5) A franchise granted by a public or quasi-public corporation shall be levied on by (a) serving a copy of the writ on the judgment debtor as required by RCW 6.04.100 and (b) filing a copy of the writ in the office of the auditor of the county in which the franchise was granted together with a notice in writing that the franchise has been levied on to be sold, specifying the time and place of sale, the name of the owner, the amount of the judgment for which the franchise is to be sold, and the name of the judgment creditor.

(6) A vendor's interest under a real estate contract shall be levied on by (a) recording a copy of the writ, with descriptions of the contract and of the real property covered by the contract, with the recording officer of the county in which the real estate is located and (b) serving a copy of the writ, with a copy of the descriptions, on the judgment debtor in the manner as required by RCW 6.04.100.

(7) Other intangible personal property may be levied on by serving a copy of the writ on the judgment debtor as required by RCW 6.04.100.

NEW SECTION, Sec. 417. If a judgment debtor owns real estate jointly or in common with any other person, only the debtor's interest may be levied on and sold on execution, and the sheriff's notice of sale shall describe the extent of the debtor's interest to be sold as accurately as possible.

Sec. 418. Section 499, page 220, Laws of 1854 as last amended by section 3, chapter 8, Laws of 1957 and RCW 6.04.120 are each amended to read as follows:

When a ~~((defendant))~~ judgment debtor owns personal property jointly(;) or in ~~((partnership))~~ common with any other person, ~~((and the))~~ only the debtor's interest may be levied on and sold on execution, and the sheriff's notice of sale shall describe the extent of the debtor's interest as accurately as possible.

If the debtor's interest cannot be separately ((attached)) levied on, the sheriff shall take possession of the property(;) unless the other person having an interest ((therein shall)) gives the sheriff a sufficient bond, with surety, conditioned to hold and manage the property according to law; and the sheriff shall then proceed to sell the interest of the defendant in such property(;- describing such interest in his advertisement as nearly as may be, and the purchaser shall acquire all the interest of such defendant therein; but nothing herein contained shall be so construed as to deprive the copartner of any such defendant of his interest in any such). This section shall not be construed so as to deprive the joint or common owner of any interest in the property.

Sec. 419. Section 268, page 182, Laws of 1854 as last amended by section 358, Code of 1881 and RCW 6.04.130 are each amended to read as follows:

~~((When the sheriff shall))~~ After levy of execution upon personal property, ((by virtue of an execution, he)) the sheriff may permit the judgment debtor to retain ((the same;)) possession of the property or any part ((thereof, in his possession)) of it until the day of sale, upon the ((defendant)) debtor executing a written bond to the sheriff with sufficient surety, in double the value of such property, to the effect that it shall be delivered to the sheriff at the time and place of sale, and for nondelivery thereof, an action may be maintained upon such bond by the sheriff or the ((plaintiff in the execution; but the sheriff shall not thereby be discharged from his liability to the plaintiff for such property)) judgment creditor, or the judgment creditor may, on motion supported by affidavit that the property has not been delivered and the judgment remains unpaid, stating the amount unpaid, have judgment against the surety on the bond for the balance remaining due. In the alternative, the sheriff may appoint the judgment debtor as an agent to keep the property, without bond, upon written approval by the judgment creditor.

NEW SECTION, Sec. 420. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 61, Laws of 1897 and RCW 6.04.080;
- (2) Section 2, chapter 61, Laws of 1897 and RCW 6.04.090;
- (3) Section 3, chapter 61, Laws of 1897 and RCW 6.04.095;
- (4) Section 499, page 220, Laws of 1854, section 694, page 174, Laws of 1869, section 757, page 152, Laws of 1877, section 751, Code of 1881 and RCW 6.04.110; and
- (5) Section 605, page 155, Laws of 1869, section 668, page 138, Laws of 1877, section 665, Code of 1881 and RCW 6.04.150.

PART V  
ADVERSE CLAIMS

NEW SECTION. Sec. 501. The definitions in this section apply throughout this chapter.

(1) "Adverse claimant" means a person, other than the judgment debtor or defendant, who claims title or right to possession of property levied on.

(2) "Levying creditor" means the judgment creditor or plaintiff who obtained the writ of execution or attachment under which levy was made.

NEW SECTION. Sec. 502. An adverse claimant may assert a claim under the procedures provided in this chapter whether the levy was made under a writ of execution or of attachment and whether the writ was issued by a superior court or a district court of this state, but this chapter does not supersede common law or other remedies available to an adverse claimant before or after levy or sale.

Sec. 503. Section 256, page 179, Laws of 1854 as last amended by section 1, chapter 40, Law of 1891 and RCW 6.20.010 are each amended to read as follows:

~~((When any other person than the judgment debtor shall claim property levied upon or attached, he may have the right to))~~ (1) An adverse claimant to property levied upon may demand and receive the ~~((same))~~ property from the sheriff ~~((or other officer making the attachment or))~~ who made the levy, upon ~~((his))~~ making and delivering to the sheriff an affidavit that the property is ~~((his))~~ owned by the claimant or that ~~((he))~~ the claimant has a right to the immediate possession thereof, stating on oath the value thereof, and giving to the sheriff ~~((or officer))~~ a bond, with sureties in double the value of such property~~((;))~~. ~~The bond shall be conditioned that ((he)) the claimant will appear in the ((superior court of the county in which the property was seized, within ten days)) court specified in RCW 6.20.030 after the bond is accepted by the sheriff ((or other officer)), and make good ((his title to the same, or that he)) the claim in the affidavit or will return the property or pay its value to the ~~((said))~~ sheriff ~~((or other officer))~~.~~

(2) Without giving a bond, an adverse claimant who delivers to the sheriff an affidavit as described in subsection (1) of this section may, on motion made within seven days after delivering the affidavit, appear in the court specified in RCW 6.20.030, with notice to the sheriff and to the attorney of record for the levying creditor, if any, otherwise to the levying creditor, and set a hearing at which the probable validity of the claim stated in the affidavit can be considered. If the court, after the hearing, finds that the claim is probably valid, it shall direct the sheriff to release the claimed property to the claimant; otherwise, the court shall direct the sheriff to continue to hold the property unless the claimant gives a bond as provided in subsection (1) of this section.

Sec. 504. Section 256, page 179, Laws of 1854 as last amended by section 5, chapter 8, Laws of 1891 and RCW 6.20.020 are each amended to read as follows:

If the adverse claimant posts a bond and the sheriff ~~((or other officer))~~ requires it, the sureties shall justify as in other cases, and in case they do not so justify when required, the sheriff ~~((or officer))~~ shall retain the property; if the sheriff ~~((or officer))~~ does not require the sureties to justify, he or she shall stand good for their sufficiency. ~~((He))~~ The sheriff shall date and indorse ~~((his))~~ acceptance upon the bond.

Sec. 505. Section 257, page 179, Laws of 1854 as last amended by section 2, chapter 40, Laws of 1891 and RCW 6.20.030 are each amended to read as follows:

The ~~((officer))~~ sheriff shall immediately return the affidavit~~((;))~~ of an adverse claimant and the bond and justification, if any, to the office of the clerk of the ~~((superior))~~ court that issued the writ, unless the property was seized in another county, then to the clerk of the superior court of the county in which the property was seized or, if the levy was made under a writ of a district court of this state, then to a district court, to be selected by the sheriff, in the county in which the property was seized, and this case shall stand for trial in said court. The adverse claimant shall be the plaintiff, and the sheriff and the levying creditor shall be the defendants. The sheriff or levying creditor or both of them may respond to the affidavit, but no further pleadings are required, and any party may cause the matter to be noted for trial.

Sec. 506. Section 259, page 179, Laws of 1854 as last amended by section 354, Code of 1881 and RCW 6.20.050 are each amended to read as follows:

If the claimant makes good ~~((his))~~ on all or any part of the claim to title to the property or right to possession, judgment shall be entered for the claimant to the extent the claim has been established. If the claimant has given a bond, the bond shall be canceled~~((;))~~ or, if ~~((to))~~ the claimant makes good on only a portion ~~((thereof))~~ of the claim, a like proportion of the bond shall be canceled~~((; but if he shall))~~. If the claimant has not given a bond and the sheriff has

retained possession of the property, judgment shall be entered in favor of the claimant for return of the property or its value.

If the claimant does not maintain ((his title)) the claim, judgment shall be rendered against ((him and his)) the claimant. If the claimant has retained possession of the property pending trial on the claim, the judgment shall be entered against the claimant and, if the claimant has given a bond, against the sureties for the return of the property or for the value of the property or of the portion of the property for which the claim is not maintained, or for such ((less)) lesser amount as shall not exceed the amount due on the original execution or attachment.

When the judgment is in favor of the sheriff for the entire property, the claimant shall pay the costs; when the claimant recovers all the property, judgment shall be given in favor of the claimant for costs; when the claimant recovers a portion of the property only, the costs shall be apportioned. When the ((plaintiff)) claimant prevails, the costs may be taxed against the ((defendant who was plaintiff in the execution or attachment, or the court may, if it shall be of opinion)) levying creditor or, if the court finds that the sheriff attached or levied upon ((said)) the property without the exercise of due caution, ((adjudge him)) the court may require the sheriff to pay the costs or any portion thereof.

NEW SECTION, Sec. 507. Section 258, page 179, Laws of 1854, section 349, page 90, Laws of 1869, section 356, page 75, Laws of 1877, section 353, Code of 1881 and RCW 6.20.040 are each repealed.

PART VI  
SALES UNDER EXECUTION

NEW SECTION, Sec. 601. All the provisions of this chapter governing sales of personal property, except vendors' interests under real estate contracts, shall apply to proceedings before district courts.

Sec. 602. Section 1, chapter 35, Laws of 1935 as last amended by section 1, chapter 276, Laws of 1984 and RCW 6.24.010 are each amended to read as follows:

Before the sale of personal property under execution, order of sale or decree, notice thereof shall be given as follows:

(1) ~~((in case of personal property, the sheriff shall post typed or printed notice of the time and place of sale in three public places in the county where the sale is to take place, for a period of not less than thirty days prior to the day of sale. Not))~~ The judgment creditor shall, not less than thirty days prior to the day of sale, ((the judgment creditor shall)) cause a copy of the notice of sale to be transmitted both by regular mail and by certified mail, return receipt requested, to the judgment debtor at the debtor's last known address, and by regular mail to the attorney of record for the judgment debtor, if any.

(2) ~~((in case of real property, the sheriff shall post a notice as provided in RCW 6.24.015, particularly describing the property for a period of not less than four weeks prior to the day of sale in two public places in the county, one of which shall be at the court house door, where the property is to be sold, and in case of improved real estate, one of which shall be at the front door of the principal building constituting such improvement. The sheriff shall also publish a notice thereof once a week, consecutively, for the same period, in any daily or weekly legal newspaper of general circulation published in the county in which the real property to be sold is situated in substantially the following form:~~

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR ..... COUNTY

_____ Plaintiff, _____	CAUSE NO. _____
_____ vs. _____	SHERIFF'S PUBLIC
_____ Defendant. _____	NOTICE OF SALE
	OF REAL PROPERTY

TO: (Judgment Debtor)

The Superior Court of \_\_\_\_\_ County has directed the undersigned Sheriff of \_\_\_\_\_ County to sell the property described below to satisfy a judgment in the above entitled action. It developed the property address is: \_\_\_\_\_

The sale of the above-described property is to take place:

Time: \_\_\_\_\_  
Date: \_\_\_\_\_  
Place: \_\_\_\_\_

The judgment debtor can avoid the sale by paying the judgment amount of \$ \_\_\_\_\_ together with interest, costs, and fees before the sale date. For the exact amount, contact the sheriff at the address stated below:

\_\_\_\_\_  
SHERIFF-DIRECTOR, \_\_\_\_\_ COUNTY, WASHINGTON.  
By \_\_\_\_\_ Deputy  
Address \_\_\_\_\_  
\_\_\_\_\_  
(City)  
Washington 9 \_\_\_\_\_  
Phone (\_\_\_\_) \_\_\_\_\_

PROVIDED, HOWEVER, That if there is more than one legal newspaper published in the county, then the plaintiff or moving party in the action, suit or proceeding shall have the exclusive right to designate in which of such qualified newspapers such notice shall be published; PROVIDED, FURTHER, That if there is no legal newspaper published in the county, then such notice shall be published in a legal newspaper published in a contiguous county. Not less than thirty days prior to the date of sale, the judgment creditor shall cause a copy of the notice as provided in RCW 6.24.015 to be (a) served on the judgment debtor or debtors and each of them in the same manner as a summons in a civil action, or (b) transmitted by both regular and certified mail, return receipt requested, to the judgment debtor or debtors and to each of them separately if there is more than one judgment debtor at the judgment debtor's last known address, and the judgment creditor shall mail a copy of the notice of sale to the attorney of record for the judgment debtor.

(3) The judgment creditor shall file an affidavit with the court that the judgment creditor has complied with the notice requirements of this section. The sheriff shall post typed or printed notice of the time and place of the sale in three public places in the county in which the sale is to take place, for a period of not less than four weeks prior to the day of sale.

**NEW SECTION.** Sec. 603. Before the sale of real property under execution, order of sale, or decree, notice of the sale shall be given as follows:

(1) The judgment creditor shall:

(a) Not less than thirty days prior to the date of sale, cause a copy of the notice in the form provided in RCW 6.24.015 to be (i) served on the judgment debtor or debtors and each of them in the same manner as a summons in a civil action, or (ii) transmitted both by regular mail and by certified mail, return receipt requested, to the judgment debtor or debtors, and to each of them separately if there is more than one judgment debtor, at each judgment debtor's last known address; and

(b) Not less than thirty days prior to the date of sale, mail a copy of the notice of sale to the attorney of record for the judgment debtor, if any; and

(c) File an affidavit with the court that the judgment creditor has complied with the notice requirements of this section.

(2) The sheriff shall:

(a) For a period of not less than four weeks prior to the date of sale, post a notice in the form provided in RCW 6.24.015, particularly describing the property, in two public places in the county in which the property is located, one of which shall be at the courthouse door, where the property is to be sold, and in case of improved real estate, one of which shall be at the front door of the principal building constituting such improvement; and

(b) Publish a notice of the sale once a week, consecutively, for the same period, in any daily or weekly legal newspaper of general circulation published in the county in which the real property to be sold is situated, but if there is more than one legal newspaper published in the county, then the plaintiff or moving party in the action, suit, or proceeding has the exclusive right to designate in which of the qualified newspapers the notice shall be published, and if there is no qualified legal newspaper published in the county, then the notice shall be published in a qualified legal newspaper published in a contiguous county, as designated by the plaintiff or moving party. The published notice shall be in substantially the following form:

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR . . . . . COUNTY

Plaintiff,		CAUSE NO.
vs.		SHERIFF'S PUBLIC NOTICE OF SALE OF REAL PROPERTY
Defendant.		

TO: (Judgment Debtor)

The Superior Court of . . . . . County has directed the undersigned Sheriff of . . . . . County to sell the property described below to satisfy a judgment in the above-entitled action. If developed, the property address is: . . . . .

The sale of the above described property is to take place:

Time: . . . . .  
Date: . . . . .  
Place: . . . . .

The judgment debtor can avoid the sale by paying the judgment amount of \$ . . . . ., together with interest, costs, and fees, before the sale date. For the exact amount, contact the sheriff at the address stated below:

. . . . . SHERIFF-DIRECTOR, . . . . . COUNTY, WASHINGTON.  
By \_\_\_\_\_, Deputy  
Address . . . . .  
. . . . . (City)  
Washington 9 . . . . .  
Phone (...) . . . . .

Sec. 604. Section 2, chapter 329, Laws of 1981 as amended by section 2, chapter 276, Laws of 1984 and RCW 6.24.015 are each amended to read as follows:

The notice of sale shall be printed or typed and shall be in substantially the following form, except that if the sale is not pursuant to a judgment of foreclosure of a mortgage or a statutory lien, the notice shall also contain a statement that the sheriff has been informed that there is not sufficient personal property to satisfy the judgment and that if the judgment debtor or debtors do have sufficient personal property to satisfy the judgment, the judgment debtor or debtors should contact the sheriff's office immediately:

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR ..... COUNTY

Plaintiff,	}	CAUSE NO.
vs.		SHERIFF'S NOTICE TO JUDGMENT DEBTOR OF SALE OF REAL PROPERTY
Defendant.		

TO: (Judgment Debtor)

The Superior Court of ..... County has directed the undersigned Sheriff of ..... County to sell the property described below to satisfy a judgment in the above-entitled action. The property to be sold is described on the reverse side of this notice. If developed, the property address is: .....

The sale of the above described property is to take place:

Time: .....  
Date: .....  
Place: .....

The judgment debtor can avoid the sale by paying the judgment amount of \$....., together with interest, costs, and fees, before the sale date. For the exact amount, contact the sheriff at the address stated below:

This property is subject to: (check one)

- 1. No redemption rights after sale.
- 2. A redemption period of eight months which will expire at 4:30 p.m. on the ..... day of ..... 19.....
- 3. A redemption period of one year which will expire at 4:30 p.m. on the ..... day of ..... 19.....

The judgment debtor or debtors or any of them may redeem the above described property at any time up to the end of the redemption period by paying the amount bid at the sheriff's sale plus additional costs, taxes, assessments, ~~((and))~~ certain other amounts, fees, and interest. If you are interested in redeeming the property contact the undersigned sheriff at the address stated below to determine the exact amount necessary to redeem.

IMPORTANT NOTICE: IF THE JUDGMENT DEBTOR OR DEBTORS DO NOT REDEEM THE PROPERTY BY 4:30 p.m. ON THE ... DAY OF ..... 19... THE END OF THE REDEMPTION PERIOD, THE PURCHASER AT THE SHERIFF'S SALE WILL BECOME THE OWNER AND MAY EVICT THE OCCUPANT FROM THE PROPERTY UNLESS THE OCCUPANT IS A TENANT HOLDING UNDER AN UNEXPIRED LEASE. IF THE PROPERTY TO BE SOLD IS OCCUPIED AS A ((PERMANENT)) PRINCIPAL RESIDENCE ((AND IS OCCUPIED)) BY THE JUDGMENT DEBTOR OR DEBTORS AT THE TIME OF SALE, HE, SHE, THEY, OR ANY OF THEM MAY HAVE THE RIGHT TO RETAIN POSSESSION DURING THE REDEMPTION PERIOD, IF ANY, WITHOUT PAYMENT OF ANY RENT OR OCCUPANCY FEE. THE JUDGMENT DEBTOR MAY ALSO HAVE A RIGHT TO RETAIN POSSESSION DURING ANY REDEMPTION PERIOD IF THE PROPERTY IS USED FOR FARMING OR IF THE PROPERTY IS BEING SOLD UNDER A MORTGAGE THAT SO PROVIDES.

..... SHERIFF-DIRECTOR, ..... COUNTY, WASHINGTON.

By ..... Deputy  
Address .....  
..... (City)  
Washington 9.....  
Phone (...)

~~((If the sale is not pursuant to a judgment of foreclosure of a mortgage, the above notice should also contain a statement that the sheriff has been informed that there is not sufficient personal property to satisfy the judgment and that if the judgment debtor or debtors do have sufficient personal property to satisfy the judgment, the judgment debtor or debtors should contact the sheriff's office immediately.))~~

Sec. 605. Section 2, chapter 50, Laws of 1897 as last amended by section 1, chapter 126, Laws of 1953 and RCW 6.24.020 are each amended to read as follows:

(1) All sales of property under execution, order of sale, or decree, shall be made by auction between nine o'clock in the morning and four o'clock in the afternoon. ~~((After sufficient property has been sold to satisfy the execution, no more shall be sold. Neither the officer holding the execution, nor his deputy, shall become a purchaser, or be interested in any purchase at such sale. When the sale is of personal property capable of manual delivery, and not in the~~

possession of a third person, it shall be within view of those who attend the sale, and be sold in such parcels as are likely to bring the highest price; and (when) the sale is of real property, consisting of several known lots or parcels, they shall be sold separately or otherwise as is likely to bring the highest price, or when a portion of such real property is claimed by a third person, and he requires it to be sold separately, such portion shall be sold separately;)) Sale of a public franchise under execution or order of sale on foreclosure must be made at the front door of the courthouse in the county in which the franchise was granted. Sales of real property shall be made at the courthouse door on Friday((-PROVIDED, HOWEVER, THAT IF) unless Friday is a legal holiday and then the sale shall be held on the next following regular business day.

(2) If at the time appointed for the sale the sheriff is prevented from attending at the place appointed or, being present, should deem it for the advantage of all concerned to postpone the sale for want of purchasers, or other sufficient cause, the sheriff may postpone the sale not exceeding one week next after the day appointed, and so from time to time for the like cause, giving notice of every adjournment by public proclamation made at the same time, and by posting written notices of such adjournment under the notices of sale originally posted. The sheriff for like causes may also adjourn the sale from time to time, not exceeding thirty days beyond the day at which the writ is made returnable, with the consent of the plaintiff indorsed upon the writ.

NEW SECTION. Sec. 606. After sufficient property has been sold to satisfy the execution, no more shall be sold. Neither the officer holding the execution nor his or her deputy shall become a purchaser or be interested in any purchase at the sale.

Sec. 607. Section 270, page 183, Laws of 1854 as last amended by section 362, Code of 1881 and RCW 6.24.050 are each amended to read as follows:

((When the purchaser of any personal property, capable of manual delivery, and not in the possession of a third person, association or corporation, shall pay)) If the sale is of personal property capable of manual delivery, and not in the possession of a third person, it shall be within view of those who attend the sale and shall be sold in such parcels as are likely to bring the highest price; and upon receipt of the purchase money, the sheriff shall deliver ((to him)) the property(;) to the purchaser and ((if desired)) shall give ((him)) a bill of sale containing an acknowledgment of the payment if the purchaser requests it. A vendor's interest under a real estate contract, including vendor's legal title to the real property, shall be treated as personal property for purposes of sale, but the sheriff shall give the purchaser both a bill of sale covering the vendor's interest under the contract and a sheriff's deed covering the vendor's legal title to the real property. In all other sales of personal property, the sheriff shall give the purchaser a bill of sale with ((the like)) an acknowledgment of payment. The sheriff shall return the proceeds with the execution to the clerk who issued the writ for payment as required by law.

Sec. 608. Section 5, chapter 53, Laws of 1899 and RCW 6.24.030 are each amended to read as follows:

((Upon)) A sale of a real property ((under execution, decree or order of sale, when the)) estate ((is)) of less than a leasehold of two years unexpired term((-the sale)) and a sale of a vendor's interest in real property being sold under a real estate contract shall be absolute. In all other cases ((such)), real property shall be sold subject to redemption, as ((hereinafter)) provided in chapter 6.-- RCW (part VII of this act). ((At the time of the sale the sheriff shall give to the purchaser a certificate of the sale, containing a particular description of the property sold, the price bid for each distinct lot, or parcel, the whole price paid, and when subject to redemption, it shall be so stated. The matters contained in such certificate shall be substantially stated in the sheriff's return of his proceedings upon the writ.))

Sec. 609. Section 262, page 181, Laws of 1854 as last amended by section 363, Code of 1881 and RCW 6.24.060 are each amended to read as follows:

(1) The form and manner of ((sale of)) selling real estate by execution shall be as follows: The sheriff shall proclaim aloud at the place of sale, in the hearing of all the bystanders: "I am about to sell the following tracts of real estate (here reading the description,) upon the following execution:" (here reading the execution). ((He)) The sheriff shall also state the amount ((which he)) that is required ((to make)) upon the execution, which shall include damages, interests and costs up to the day of sale, and increased costs. ((He)) The sheriff shall then offer the land for sale((-the lots and parcels separately or together, as he shall deem most advantageous)).

(2) If the sale is of real property consisting of several known lots or parcels, they shall be sold separately or otherwise as the sheriff deems likely to bring the highest price, except that if an interest in a portion of such real property is claimed by a third person who, by request directed to the sheriff in writing prior to the sale or orally or in writing at the sale before the bidding is begun, requests that it be sold separately, such portion shall be sold separately. Bids on all land except town lots ((shall)) may be ((sold)) by the acre or by tract or parcel.

(3) If the land is sold by the acre and any fewer number of acres than the whole tract or parcel is sold, it shall be measured off to the purchaser in a square form, from the northeast corner of the tract or parcel, unless some person claiming an interest in the land, by request directed to the sheriff in writing prior to the sale or orally or in writing at the sale before the

bidding is begun, requests that the land sold be taken from some other part or in some other form; in such case, if the request is reasonable, the officer making the sale shall sell accordingly.

(4) If an entire tract or parcel of land is sold by the acre, it shall not be measured but shall be deemed and taken to contain the number of acres named in the description, and be paid for accordingly; and if the number of acres is not contained in the description, the officer shall declare according to his or her judgment how many acres are contained therein, which shall be deemed and taken to be the true number of acres.

Sec. 610. Section 265, page 182, Laws of 1854 as last amended by section 28, chapter 81, Laws of 1971 and RCW 6.24.090 are each amended to read as follows:

(1) The officer shall strike off the land to the highest bidder, who shall forthwith pay the money bid to the officer, who shall return the money with ((his)) the execution and ((his doings thereon;)) the report of proceedings on the execution to the clerk of the court from which the execution issued((~~according to the order thereof~~)): PROVIDED, HOWEVER, That when final judgment shall have been entered in the supreme court or the court of appeals and the execution upon which sale has been made issued from said court, the ((proceedings on execution and)) return shall be ((doctored for confirmation in)) made to the superior court in which the action was originally commenced, and ((like)) the same proceedings shall be had as though ((said)) execution had issued from ((the said)) that superior court.

(2) At the time of the sale, the sheriff shall prepare a certificate of the sale, containing a particular description of the property sold, the price bid for each distinct lot or parcel, and the whole price paid; and when subject to redemption, it shall be so stated. The matters contained in such certificate shall be substantially stated in the sheriff's return of proceedings upon the writ. Upon receipt of the purchase price, the sheriff shall give a copy of the certificate to the purchaser and the original certificate to the clerk of the court with the return on the execution to hold for delivery to the purchaser upon confirmation of the sale.

Sec. 611. Section 6, chapter 53, Laws of 1899 as last amended by section 3, chapter 276, Laws of 1984 and RCW 6.24.100 are each amended to read as follows:

(1) Upon the return of any sale of real estate ((as aforesaid)), the clerk (a) shall enter the cause, on which the execution or order of sale issued, by its title, on the motion docket, and mark opposite the same: "Sale of land for confirmation"; (b) shall mail notice of the filing of the return of sale ((shall be mailed by the clerk)) to all parties who have entered a written notice of appearance in the action and who have not had an order of default entered against them ((and)); (c) shall file proof of such mailing ((shall be filed)) in the action; ((and the following proceedings shall be had:)) (d) shall apply the proceeds of the sale returned by the sheriff, or so much thereof as may be necessary, to satisfaction of the judgment, including interest as provided in the judgment, and shall pay any excess proceeds as provided in subsection (5) of this section; and (e) upon confirmation of the sale, shall deliver the original certificate of sale to the purchaser.

((+)) (2) The judgment creditor or successful purchaser at the sheriff's sale is entitled to an order confirming the sale at any time after twenty days have elapsed from the mailing of the notice of the filing of ((such)) the sheriff's return ((shall be entitled)), on motion with notice given to all parties who have entered a written notice of appearance in the action and who have not had an order of default entered against them, ((to have an order confirming the sale;)) unless the judgment debtor, or in case of ((his)) the judgment debtor's death, ((his)) the representative, or any nondefaulting party to whom notice was sent shall file objections to confirmation with the clerk within twenty days after the mailing of the notice of the filing of such return((~~his objections thereto~~)).

((?) (3) If ((such)) objections ((be)) to confirmation are filed, the court shall((~~notwithstanding~~)) nevertheless allow the order confirming the sale, unless on the hearing of the motion, it shall satisfactorily appear that there were substantial irregularities in the proceedings concerning the sale, to the probable loss or injury of the party objecting. In the latter case, the court shall disallow the motion and direct that the property be resold, in whole or in part, as the case may be, as upon an execution received as of that date.

((?) Upon the return of the execution, the sheriff shall pay the proceeds of sale to the clerk, who shall then apply the same, or so much thereof as may be necessary, in satisfaction of the judgment including interest as provided in the judgment;))

(4) Upon a resale, the bid of the purchaser at the former sale shall be deemed to be renewed and continue in force, and no bid shall be taken, except for a greater amount. If ((an order of)) on resale ((be afterwards made, and)) the property sells for a greater amount to any person other than the former purchaser, the clerk shall first repay to ((such)) the former purchaser out of the proceeds of the resale the amount of ((his)) the former purchaser's bid ((out of the proceeds of the latter sale)) together with interest as is provided in the judgment.

((+) Upon a resale, the bid of the purchaser at the former sale shall be deemed to be renewed and continue in force, and no bid shall be taken, except for a greater amount. An order confirming a sale shall be a conclusive determination of the regularity of the proceedings concerning such sale as to all persons in any other action, suit or proceeding whatever;))

(5) If, after the satisfaction of the judgment, there be any proceeds of the sale remaining, the clerk shall pay such proceeds to the judgment debtor, or ~~((his))~~ the judgment debtor's representative, as the case may be, ~~((at any time))~~ before the order is made upon the motion to confirm the sale ~~((PROVIDED, Such))~~ only if the party files with the clerk a waiver of all objections made or to be made to the proceedings concerning the sale; otherwise the excess proceeds shall remain in the custody of the clerk until the sale of the property has been disposed of; but if the sale be confirmed, such excess proceeds shall be paid to ~~((said party))~~ the judgment debtor or representative as a matter of course ~~((otherwise they shall remain in the custody of the clerk until the sale of the property has been disposed of)).~~

(6) The purchaser shall file the original certificate of sale for record with the recording officer in the county in which the property is located.

Sec. 612. Section 16, chapter 53, Laws of 1899 as amended by section 5, chapter 80, Laws of 1965 and RCW 6.24.220 are each amended to read as follows:

In all cases where real estate has been, or may hereafter be sold ~~((in pursuance of law))~~ by virtue of an execution or other process, ~~((issued upon an ordinary money judgment, or by virtue of execution, or other process issued upon a decree for the foreclosure of a mortgage or other lien))~~ it shall be the duty of the sheriff or other officer making such sale to execute and deliver to the purchaser, or other person entitled to the same, a deed of conveyance of the real estate so sold ~~((immediately after the time for redemption from such sale has expired: PROVIDED, Such sale has been duly confirmed by order of the court. AND, PROVIDED FURTHER, That such)).~~ The deeds shall be issued upon request immediately after the confirmation of sale by the court in those instances where redemption rights have been precluded pursuant to RCW 61.12.093 et seq., or immediately after the time for redemption from such sale has expired in those instances in which there are redemption rights, as provided in RCW 6.24.160. In case the term of office of the sheriff or other officer making such sale shall have expired before a sufficient deed has been executed, then the successor in office of such sheriff shall, within the time specified in this section, execute and deliver to the purchaser or other person entitled to the same a deed of the premises so sold, and such deeds shall be as valid and effectual to convey to the grantee the lands or premises so sold, as if the deed had been made by the sheriff or other officer who made the sale.

Sec. 613. Section 364, page 96, Laws of 1869 as last amended by section 368, Code of 1881 and RCW 6.24.110 are each amended to read as follows:

~~((if the))~~ A purchaser of real property sold on execution, or ~~((his))~~ a purchaser's successor in interest, ~~((be))~~ who is evicted ~~((therefrom))~~ in consequence of the reversal of the judgment ~~((he))~~ may recover from the plaintiff in the execution the price paid with interest and the costs and disbursements of the eviction suit ~~((by which he was evicted, from the plaintiff in the writ of execution)).~~

NEW SECTION. Sec. 614. The following acts or parts of acts are each repealed:

- (1) Section 263, page 181, Laws of 1854, section 360, page 94, Laws of 1869, section 367, page 79, Laws of 1877, section 364, Code of 1881 and RCW 6.24.070;
- (2) Section 264, page 182, Laws of 1854, section 361, page 95, Laws of 1869, section 368, page 79, Laws of 1877, section 365, Code of 1881 and RCW 6.24.080; and
- (3) Section 272, page 183, Laws of 1854, section 365, page 96, Laws of 1869, section 372, page 81, Laws of 1877, section 369, Code of 1881 and RCW 6.24.120.

#### PART VII

#### REDEMPTIONS OF REAL PROPERTY FROM FORCED SALES

Sec. 701. Section 7, chapter 53, Laws of 1899 and RCW 6.24.130 are each amended to read as follows:

(1) Real property sold subject to redemption, as ((above)) provided in RCW 6.24.030, or any part thereof separately sold, may be redeemed by the following persons, or their successors in interest:

~~((#))~~ (a) The judgment debtor ((or his successor in interest)), in the whole or any part of the property separately sold.

~~((#))~~ (b) A creditor having a lien by judgment, decree, deed of trust, or mortgage, on any portion of the property, or any portion of any part thereof, separately sold, subsequent in time to that on which the property was sold. The persons mentioned in ((subdivision (2) of this section)) this subsection are termed redemptioners.

(2) As used in this chapter, the terms "judgment debtor," "redemptioner," and "purchaser," refer also to their respective successors in interest.

Sec. 702. Section 8, chapter 53, Laws of 1899 as last amended by section 4, chapter 276, Laws of 1984 and RCW 6.24.140 are each amended to read as follows:

(1) Unless redemption rights have been precluded pursuant to RCW 61.12.093 et seq., the judgment debtor ((or his successor in interest)) or any redemptioner((:)) may redeem the property from the purchaser at any time (a) within eight months after the date of the sale if the sale is pursuant to judgment and decree of foreclosure of any mortgage executed after June 30, 1961, which mortgage declares in its terms that the mortgaged property is not used principally for agricultural or farming purposes, and in which complaint the judgment creditor has

expressly waived any right to a deficiency judgment, or (b) otherwise within one year after the date of the sale((-on paying)).

(2) The person who redeems from the purchaser must pay: (a) The amount of the bid, with interest thereon at the rate provided in the judgment to the time of redemption, together with (b) the amount of any assessment or taxes which the purchaser ((or his successor in interest may have)) has paid thereon after purchase, and like interest on such amount from time of payment to time of redemption, together with (c) any sum paid by the purchaser on a prior lien or obligation secured by an interest in the property to the extent the payment was necessary for the protection of the interest of the judgment debtor((-the judgment debtor's successor in interest);) or a redemptionner ((which the purchaser or the purchaser's successor in interest may have paid thereon with)), and like interest upon every payment made ((by the purchaser or the purchaser's successor in interest at the rate provided in the judgment)) from the date of payment ((thereof)) to the time of redemption(;;), and (d) if the redemption is by a redemptionner and if the purchaser ((be)) is also a creditor having a lien, by judgment, decree, deed of trust, or mortgage, prior to that of the redemptionner, other than the judgment under which such purchase was made, the redemptionner shall also pay the amount of such lien with like interest: PROVIDED, HOWEVER, That ((whenever there is an execution sale of property pursuant to judgment and decree of foreclosure of any mortgage executed after June 30, 1961, which mortgage declares in its terms that the mortgaged property is not used principally for agricultural or farming purposes, and in which complaint the judgment creditor has expressly waived any right to a deficiency judgment, the period of redemption shall be eight months after the said sale)) a purchaser who makes any payment as mentioned in (c) of this subsection shall submit to the sheriff the affidavit required by RCW 6.24.180, and any purchaser who pays any taxes or assessments or has or acquires any such lien as mentioned in (d) of this subsection must file the statement required in section 705 of this 1987 act and provide evidence of the lien as required by RCW 6.24.180.

Sec. 703. Section 6, chapter 329, Laws of 1981 as amended by section 5, chapter 276, Laws of 1984 and RCW 6.24.145 are each amended to read as follows:

(1) If the property is subject to a homestead as provided in ((RCW 6.17.045 or 6.17.050)) chapter 6.12 RCW, the purchaser ((or the purchaser's assignee)), or the redemptionner ((or the redemptionner's assignee)) if the property has been redeemed, shall send a notice, in the form prescribed in subsection (3) of this section, at least forty but not more than sixty days before the expiration of the judgment debtor's redemption period both by regular mail and by certified mail, return receipt requested, ((and by first class mail)) to the judgment debtor or debtors and to each of them separately, if there is more than one judgment debtor, at their last known address or addresses and to "occupant" at the property address. The ((notice)) party who sends the notice shall file a copy of the notice with an affidavit of mailing with the clerk of the court and deliver or mail a copy to the sheriff.

(2) Failure to comply with this section extends the judgment debtor's redemption period six months. If the redemption period is extended, no further notice need be sent. Time for redemption by redemptionners shall not be extended.

(3) The notice and affidavit of mailing required by subsection (1) of this section shall be in substantially the following form:

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR . . . . COUNTY

Plaintiff,

vs.

Defendant.

CAUSE NO.

NOTICE OF EXPIRATION  
OF REDEMPTION PERIOD

TO: (Judgment Debtor)

THIS IS AN IMPORTANT NOTICE AFFECTING YOUR RIGHT TO RETAIN YOUR PROPERTY.

NOTICE IS HEREBY GIVEN that the period for redemption of the following described real property ("the property") is expiring. The property is situated in the County of . . . . ., State of Washington, to wit:

\_\_\_\_\_ (legal description) \_\_\_\_\_  
and commonly known as \_\_\_\_\_, which was sold by \_\_\_\_\_ County Sheriff, in \_\_\_\_\_ County, Washington on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_ under and by virtue of a writ of execution and order of sale issued by the court in the above-entitled action.

THE REDEMPTION PERIOD FOR THE PROPERTY IS \_\_\_\_\_ MONTHS. THE REDEMPTION PERIOD COMMENCED ON \_\_\_\_\_, 19\_\_ AND WILL EXPIRE AT 4:30 p.m. ON \_\_\_\_\_, 19\_\_

If you intend to redeem the property described above you must give written notice of your intention to the \_\_\_\_\_ County Sheriff on or before \_\_\_\_\_, 19\_\_

Following is an itemized account of the amount required to redeem the property to date:

Item Amount  
Purchase price paid at sale \$

Interest from date of sale to date of  
 this notice at . . . percent per annum \$  
 Real estate taxes plus interest \$  
 Assessments plus interest \$  
 Liens or other costs paid by purchaser  
or purchaser's successor during  
redemption period plus interest \$  
 Lien of redemptioner \$  
 TOTAL REQUIRED TO REDEEM AS \$  
 OF THE DATE OF THIS NOTICE \$

You may redeem the property by 4:30 p.m. on or before the . . . day of . . . 19 . . . by paying the amount set forth above and such other amounts as may be required by law. Payment must be in the full amount and in cash, certified check, or cashier's check. Because such other amounts as may be required by law to redeem may include presently unknown expenditures required to operate, preserve, protect, or insure the property, or the amount to comply with state or local laws, or the amounts of prior liens, with interest, held by the purchaser or a redemptioner, it will be necessary for you to contact the . . . County Sheriff at the address stated below prior to the time you tender the redemption amount so that you may be informed exactly how much you will have to pay to redeem the property.  
 . . . SHERIFF-DIRECTOR, . . . COUNTY, WASHINGTON.

By . . . Deputy  
 Address . . .  
 . . . (City)  
 Washington 9 . . .  
 Phone ( . . . ) . . .

IF YOU FAIL TO REDEEM THE PROPERTY BY 4:30 p.m. ON OR BEFORE THE . . . DAY OF . . . 19 . . . THE DATE UPON WHICH THE REDEMPTION PERIOD WILL EXPIRE, THE PURCHASER OR THE PURCHASER'S ((ASSIGNEE)) SUCCESSOR WILL BE ENTITLED TO POSSESSION OF THE PROPERTY AND MAY BRING AN ACTION TO EVICT YOU FROM POSSESSION OF THE PROPERTY.

DATED THIS . . . DAY OF . . . 19 . . .

(Purchaser)  
 By  
 (Purchaser's attorney)  
 Attorneys for

STATE OF WASHINGTON }  
 } ss.  
 COUNTY OF }

The undersigned being first duly sworn on oath states: That on this day affiant deposited in the mails of the United States of America a properly stamped and addressed envelope directed to the judgment debtor at the address stated on the face of this document and to "occupant" at the property address, both by certified mail, return receipt requested, and by first class mail, all of the mailings containing a copy of the document to which this affidavit is attached.

-----  
 ((SUBSCRIBED)) SIGNED AND SWORN TO BEFORE ME THIS . . . DAY OF . . .  
 19 . . . ((:)), BY . . . (name of person making statement)  
 ((NOTARY PUBLIC in and for the  
 State of Washington, residing at:))  
 -----  
 Title . . .  
 My appointment expires . . . 19 . . .

((In the event that the redemption period is extended no further notice need be sent. The party who sends the notice shall file a copy of the notice with an affidavit of mailing with the clerk of the court and deliver or mail a copy to the sheriff. Failure to comply with this section extends the redemption period for six months.))

Sec. 704, Section 9, chapter 53, Laws of 1899 and RCW 6.24.150 are each amended to read as follows:

(1) If property ((to so)) is redeemed from the purchaser by a redemptioner, as provided in RCW 6.24.140, another redemptioner may, within sixty days after the ((last)) first redemption, ((again)) redeem it from the ((last)) first redemptioner ((by paying the sum paid on such last redemption with interest at the rate of eight percent per annum, and the amount of any taxes or assessment which the last redemptioner may have paid thereon after the redemption by him, with like interest on such amount, and in addition thereto by paying the amount of any liens, by judgment, decree or mortgage, held by said last redemptioner prior to his own, with interest, but the judgment under which the property was sold need not be so paid as a lien)). The property may be again, and as often as a redemptioner is so disposed, redeemed from any previous redemptioner within sixty days after the last redemption, ((on)) and such sixty-

day redemption periods may extend beyond the period prescribed in RCW 6.24.140 for redemption from the purchaser.

(2) The judgment debtor may also redeem from a redemptioner, but in all cases the judgment debtor shall have the entire redemption period prescribed by RCW 6.24.140, but no longer unless the time is extended under RCW 6.24.145 or 6.24.190. If the judgment debtor redeems, the effect of the sale is terminated and the estate of the debtor is restored.

(3) A redemptioner may redeem under this section by paying the sum paid on the last previous redemption with interest ~~((thereon))~~ at the rate of eight percent per annum, and the amount of any assessments or taxes which the last previous redemptioner paid on the property after ~~((the redemption by him))~~ redeeming, with like interest ~~((thereon))~~, and the amount of any liens by judgment, decree, deed of trust, or mortgage, other than the judgment under which the property was sold, held by the last redemptioner, ~~((previous))~~ prior to his own, with interest. ~~((If the purchaser or))~~ A judgment debtor who redeems from a redemptioner under this section must make the same payments as are required to effect a redemption by a redemptioner, including any lien by judgment, decree, deed of trust, or mortgage, other than the judgment under which the property was sold, held by the redemptioner. A redemptioner ~~((shall pay))~~ who pays any taxes or assessments, or ~~((have or acquire))~~ has or acquires any such lien as herein mentioned, ~~((he))~~ must file a statement ~~((thereof with the auditor of the county where said property is situate before the property shall have been redeemed from him, otherwise the property may be redeemed without paying such tax, assessment or lien. Such statement shall be recorded by such auditor))~~ as required under section 705 of this 1987 act.

NEW SECTION, Sec. 705. A purchaser or redemptioner who pays any taxes or assessments or has or acquires a lien on the property by judgment, decree, deed of trust, or mortgage prior to that of a prospective redemptioner must file a statement thereof, for recording, with the recording officer of the county in which the property is situated before the property has been redeemed from him or her. Otherwise, the property may be redeemed without paying such tax, assessment, or lien, but if actual notice of such payments or liens has been given to the person who redeems, failure to file the statement shall not affect the right to payment from that person absent that person's demonstration of prejudice resulting from the failure to file the statement.

Sec. 706. Section 10, chapter 53, Laws of 1899 as amended by section 2, chapter 196, Laws of 1961 and RCW 6.24.160 are each amended to read as follows:

If no redemption ~~((be))~~ is made within the redemption period prescribed by RCW 6.24.140 or within any extension of that period under any other provision of this chapter, the purchaser ~~((or his assignee))~~ is entitled to a ~~((conveyance))~~ sheriff's deed; or, if so redeemed, whenever sixty days have elapsed~~(;)~~ and no other redemption has been made~~(;)~~ or notice given operating to extend the period ~~((of redemption))~~ for re-redemption, and the time for redemption by the judgment debtor has expired, the last redemptioner ~~((or his assignee))~~ is entitled to receive a sheriff's deed~~((but in all cases the judgment debtor shall have the entire redemption period prescribed by RCW 6.24.140 from the date of the sale to redeem the property, if the judgment debtor redeem he must make the same payments as are required to effect a redemption by the redemptioner. If the judgment debtor redeem, the effect of the sale is terminated and he is restored to his estate. A certificate of redemption must be filed and recorded in the office of the auditor of the county in which the property is situated, and the auditor must note the record thereof in the margin of the record of the certificate of sale))~~ as provided in RCW 6.24.220.

Sec. 707. Section 11, chapter 53, Laws of 1899 and RCW 6.24.170 are each amended to read as follows:

When two or more persons apply to the sheriff to redeem at the same time ~~((he))~~, the sheriff shall allow the person having the prior lien to redeem first, and so on. The sheriff shall immediately pay the money over to the person from whom the property is redeemed, if ~~((he attend at the))~~ that person is present at time of redemption; or if not, at any time thereafter when demanded. When a sheriff ~~((shall))~~ wrongfully ~~((refuse))~~ refuses to allow any person to redeem, ~~((his))~~ the right to redeem shall not be prejudiced ~~((thereby))~~ by such refusal, and the sheriff may be required, by order of the court, to allow such redemption.

Sec. 708. Section 12, chapter 53, Laws of 1899 as amended by section 6, chapter 276, Laws of 1984 and RCW 6.24.180 are each amended to read as follows:

~~((The mode of redeeming shall be as provided in this section;))~~ (1) The person seeking to redeem shall give the sheriff at least five days' written notice of ~~((his))~~ intention to apply to the sheriff for that purpose. It shall be the duty of the sheriff to notify the purchaser or redemptioner, as the case may be, or ~~((his))~~ the purchaser's or redemptioner's attorney, of the receipt of such notice, if such person ~~((be))~~ is within such county. At the time ~~((and place))~~ specified in such notice, the person seeking to redeem may do so by paying to the sheriff the sum required. The sheriff shall give the person redeeming a certificate stating ~~((therein))~~ the sum paid on redemption, from whom redeemed, the date thereof and a description of the property redeemed. A certificate of redemption must be filed and recorded in the office of the recording officer of the county in which the property is situated, and the recording officer must note the record thereof in the margin of the record of the certificate of sale.

(2) A person seeking to redeem shall submit to the sheriff the evidence of ~~((his))~~ the right ((thereof)) to redeem, as follows:

~~((1) If he be a)~~ (a) A lien creditor ~~((:))~~ shall submit a copy of the docket of the judgment or decree under which ~~((he claims))~~ the right to redeem is claimed, certified by the clerk of the court where such judgment or decree is docketed; or ~~((if he seeks to redeem upon mortgage:))~~ the holder of a mortgage or deed of trust shall submit the certificate of the record thereof ((: also)) together with an affidavit, verified by ((himself)) the holder or agent, showing the amount then actually due thereon.

~~((2) A)~~ (b) An assignee shall submit a copy of any assignment necessary to establish ((his)) the claim, verified by the affidavit of ((himself)) the assignee or agent, showing the amount then actually due on the judgment, decree, deed of trust, or mortgage.

(3) If the redemptioner or purchaser has a lien prior to that of the lien creditor seeking to redeem, such redemptioner or purchaser shall submit to the sheriff the same kind of evidence thereof as is required from a person seeking to redeem under subsection (2) of this section, and the amount due thereon, or the same may be disregarded.

(4) ~~((if the))~~ A purchaser ~~((or the purchaser's successor in interest))~~ who has paid a sum on a prior lien or obligation secured by an interest in the property ~~((he or she))~~ shall submit to the sheriff an affidavit, verified by the purchaser ~~((or the purchaser's successor in interest))~~ or an agent, showing the amount paid on the prior lien or obligation, or the prior lien or obligation may be disregarded.

Sec. 709. Section 13, chapter 53, Laws of 1899 and RCW 6.24.190 are each amended to read as follows:

(1) Except as provided in subsection (3) of this section and in RCW 6.24.210, the purchaser, from the time of the sale until the redemption, and the redemptioner from the time of ((his)) the redemption until another redemption, ((except as hereinafter provided:)) is entitled to receive from the tenant in possession the rents of the property sold ((:)) or the value of the use and occupation thereof. But when any rents or profits have been received ((by such person or persons thus entitled thereto:)) from the property ((thus sold)) by such purchaser or redemptioner, preceding the redemption thereof from him or her, the amount of such rents and profits, over and above the expenses paid for operating, caring for, protecting and insuring the property, shall be a credit upon the redemption money to be paid ((and if the)).

(2) If a redemptioner or other person entitled to ((make such redemption)) redeem, before the expiration of the time allowed for such redemption, files with the sheriff a demand in writing for a written and verified statement of the amounts of ((such)) rents and profits thus received ((:)) and expenses paid and incurred, the period for redemption is extended five days after such a sworn statement is given by ((such)) the person ((thus)) receiving such rents and profits, or by his or her agent, to the person making ((such)) the demand, or to the sheriff. It shall be the duty of the sheriff to serve a copy of such demand upon the person receiving such rents and profits, his or her agent or his or her attorney, if ((such)) service can be made in the county where the property is situate. If such person shall, for a period of ten days after such demand has been given to the sheriff, fail or refuse to give such statement, ((such)) the redemptioner or other person entitled to redeem ((from such sale, making such demand:)) who made the demand may bring an action within sixty days after making such demand, but not later, in any court of competent jurisdiction, to compel an accounting and disclosure of such rents, profits and expenses, and until fifteen days from and after the final determination of such action the right of redemption is extended to such redemptioner or other person ((making such demand who shall be)) entitled to redeem who made the demand. If a sworn statement is given by the purchaser or other person receiving such rents and profits, and ((such)) the redemptioner or other person entitled to redeem ((:)) who ((makes such)) made the demand, desires to contest the correctness of the ((same)) statement, he or she must first redeem in accordance with such sworn statement, and if he or she desires to bring an action for an accounting thereafter he or she may do so within thirty days after such redemption, but not later ((PROVIDED, That if)).

(3) If such property ((be)) is farming or agricultural property and ((be)) is in possession of any purchaser or any previous redemptioner and is redeemed after the first day of April and before the first day of December, and the purchaser or previous redemptioner or ((his)) the tenant of either has performed any work in preparing such property for crops ((:)) or has planted crops, ((he)) such purchaser or previous redemptioner shall ((be entitled to)) have the option to demand reimbursement for such work and labor or ((the right)) to retain possession of such property until the first day of December following, and the new redemptioner shall be entitled to collect the reasonable rental value thereof during such farming year, unless such reasonable rental shall have been collected by such purchaser or previous redemptioner and accounted for to the new redemptioner.

Sec. 710. Section 14, chapter 53, Laws of 1899 and RCW 6.24.200 are each amended to read as follows:

Until the expiration of the time allowed for redemption, the court may restrain the commission of waste on the property. But it is not waste for the person in possession of the property at the time of the sale or entitled to possession afterwards during the period allowed for

redemption to continue to use it in the same manner in which it was previously used, or to use it in the ordinary course of husbandry, or to make the necessary repairs of buildings thereon, or to use wood or timber on the property therefor, or for the repairs of fences, or for fuel in his or her family while ~~(he occupies)~~ occupying the property.

Sec. 711. Section 15, chapter 53, Laws of 1899 as last amended by section 21, chapter 329, Laws of 1981 and RCW 6.24.210 are each amended to read as follows:

(1) Except as provided in this section and RCW 6.24.190, the purchaser from the day of sale until a resale or redemption, and the redemptioner from the day of ~~((his))~~ redemption until another redemption, shall be entitled to the possession of the property purchased or redeemed, unless the same be in the possession of a tenant holding under an unexpired lease, and in such case shall be entitled to receive from such tenant the rents or the value of the use and occupation thereof during the period of redemption ~~((PROVIDED, That when))~~.

(2) If a mortgage contains a stipulation that in case of foreclosure the mortgagor may remain in possession of the mortgaged premises after sale and until the period of redemption has expired, the court shall make its decree to that effect and the mortgagor shall have such right ~~((PROVIDED, FURTHER, That as))~~.

(3) As to any land so sold which is at the time of the sale used for farming purposes, or which is a part of a farm used, at the time of sale, for farming purposes, the judgment debtor shall be entitled to retain possession thereof during the period of redemption and the purchaser or his successor in interest shall, if the judgment debtor does not redeem, have a lien upon the crops raised or harvested thereon during said period of redemption, for interest on the purchase price at the rate of six percent per annum during said period of redemption and for taxes becoming delinquent during the period of redemption together with interest thereon ~~((AND, PROVIDED FURTHER, That))~~.

(4) In case of any homestead as defined in chapter 6.12 RCW and occupied for that purpose at the time of sale, the judgment debtor shall have the right to retain possession thereof during the period of redemption without accounting for issues or for value of occupation.

Sec. 712. Section 23, chapter 329, Laws of 1981 and RCW 6.24.230 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, during the period of redemption for any property ~~((which))~~ that a person would be entitled to claim as a homestead, any licensed real estate broker within the county in which the property is located may nonexclusively list the property for sale whether or not there is a listing contract. If the property is not redeemed by the judgment debtor and a sheriff's deed is issued under RCW 6.24.220, then the property owner shall accept the highest current qualifying offer upon tender of full cash payment within two banking days after notice of the pending acceptance is received by the offeror. If timely tender is not made, such offer shall no longer be deemed to be current and the opportunity shall pass to the next highest current qualifying offer, if any. Notice of pending acceptance shall be given for the first highest current qualifying offer within five days after delivery of the sheriff's deed under RCW 6.24.220 and for each subsequent highest current qualifying offer within five days after the offer becoming the highest current qualifying offer. An offer is qualifying if the offer is made during the redemption period through a licensed real estate broker listing the property and is at least equal to the sum of: (a) One hundred twenty percent greater than the redemption amount determined under RCW 6.24.140 and (b) the normal commission of the real estate broker or agent handling the offer.

(2) The proceeds shall be divided at the time of closing with: (a) One hundred twenty percent of the redemption amount determined under RCW 6.24.140 paid to the property owner, (b) the real estate broker's or agent's normal commission paid, and (c) any excess paid to the judgment debtor.

(3) Notice, tender, payment, and closing shall be made through the real estate broker or agent handling the offer.

(4) This section shall not apply to mortgage or deed of trust foreclosures under chapter 61.12 or 61.24 RCW.

#### PART VIII ATTACHMENT

NEW SECTION. Sec. 801. Unless otherwise expressly provided, all the provisions of this chapter governing attachment of personal property apply to proceedings before district courts of this state, but the district courts shall not have power to issue writs of attachment against real property or any interest in real property or against vendors' interests under real estate contracts.

Sec. 802. Section 1, page 39, Laws of 1886 and RCW 7.12.010 are each amended to read as follows:

The plaintiff at the time of commencing an action, or at any time afterward before judgment, may have the property of the defendant, or that of any one or more of several defendants, attached in the manner ~~((hereinafter))~~ prescribed in this chapter, as security for the satisfaction of such judgment as ~~((he))~~ the plaintiff may recover.

Sec. 803. Section 2, page 39, Laws of 1886 as last amended by section 16, chapter 154, Laws of 1973 1st ex. sess. and RCW 7.12.020 are each amended to read as follows:

The writ of attachment (~~(shall)~~ may) be issued by (~~(the clerk of)~~) the court in which the action is pending (~~(-but before any such writ of attachment shall issue, the plaintiff, or someone in his behalf, shall make and file with such clerk an affidavit showing that the defendant is indebted to the plaintiff (specifying the amount of such indebtedness over and above all just credits and offsets); and that the attachment is not sought and the action is not prosecuted to hinder, delay, or defraud any creditor of the defendant, and either;))~~ on one or more of the following grounds:

- (1) That the defendant is a foreign corporation; or
- (2) That the defendant is not a resident of this state; or
- (3) That the defendant conceals himself so that the ordinary process of law cannot be served upon him; or
- (4) That the defendant has absconded or absented himself from his usual place of abode in this state, so that the ordinary process of law cannot be served upon him; or
- (5) That the defendant has removed or is about to remove any of his property from this state, with intent to delay or defraud his creditors; or
- (6) That the defendant has assigned, secreted, or disposed of, or is about to assign, secrete, or dispose of, any of his property, with intent to delay or defraud his creditors; or
- (7) That the defendant is about to convert his property, or a part thereof, into money, for the purpose of placing it beyond the reach of his creditors; or
- (8) That the defendant has been guilty of a fraud in contracting the debt or incurring the obligation for which the action is brought; or
- (9) That the damages for which the action is brought are for injuries arising from the commission of some felony, gross misdemeanor, or misdemeanor; or
- (10) That the object for which the action is brought is to recover on a contract, express or implied.

Sec. 804. Section 3, page 39, Laws of 1886 and RCW 7.12.030 are each amended to read as follows:

An action may be commenced and the property of a debtor may be attached previous to the time when the debt becomes due, when nothing but time is wanting to fix an absolute indebtedness, and when the complaint and the affidavit allege, in addition to that fact, ((states)) one or more of the following grounds:

- (1) That the defendant is about to dispose or has disposed of his property in whole or in part with intent to defraud his creditors; or
- (2) That the defendant is about to remove from the state (:) and refuses to make any arrangements for securing the payment of the debt when it falls due, and ((which)) the contemplated removal was not known to the plaintiff at the time the debt was contracted; or
- (3) ~~((That the defendant has disposed of his property in whole or in part with intent to defraud his creditors; or~~
- (4)) That the debt was incurred for property obtained under false pretenses.

Sec. 805. Section 4, page 40, Laws of 1886 and RCW 7.12.040 are each amended to read as follows:

If the debt or demand for which the attachment is sued out is not due at the time of the commencement of the action, the defendant is not required to file any pleadings until the maturity of such debt or demand, but ((he)) the defendant may, in his or her discretion, do so, and go to trial as early as the cause is reached. No final judgment shall be rendered in such action until the debt or demand upon which it is based becomes due, unless the defendant consents by filing pleadings or otherwise. However, property of a perishable nature may be sold as provided in RCW 7.12.160.

**NEW SECTION.** Sec. 806. (1) The plaintiff or someone on plaintiff's behalf shall apply for a writ of attachment by affidavit, alleging that the attachment is not sought and the action is not prosecuted to hinder, delay, or defraud any creditor of the defendant and also alleging that affiant has reason to believe and does believe the following, together with specific facts on which affiant's belief in the allegations is based: (a) That the defendant is indebted to the plaintiff (specifying the nature of the claim and the amount of such indebtedness over and above all just credits and offsets), and (b) that one or more of the grounds stated in RCW 7.12-.020 for issuance of a writ of attachment exists.

(2) If the action is based on a debt not due, the ground alleged under subsection (1)(b) of this section must be one stated in RCW 7.12.030 for attachment on a debt not due, and affiant shall also allege reason to believe and belief that nothing but time is wanting to fix an absolute indebtedness due from defendant, together with specific facts on which the affiant's belief in the allegations is based.

**NEW SECTION.** Sec. 807. (1) Except as provided in subsection (2) of this section, the court shall issue a writ of attachment only after prior notice to defendant, given in the manner prescribed in subsections (4) and (5) of this section, with an opportunity for a prior hearing at which the plaintiff shall establish the probable validity of the claim sued on and that there is probable cause to believe that the alleged ground for attachment exists.

(2) Subject to subsection (3) of this section, the court shall issue the writ without prior notice to defendant and an opportunity for a prior hearing only if:

(a)(i) The attachment is to be levied only on real property, or (ii) if it is to be levied on personal property, the ground alleged for issuance of attachment is one appearing in RCW 7.12.020 (5) through (7) or in RCW 7.12.030(1) or, if attachment is necessary for the court to obtain jurisdiction of the action, the ground alleged is one appearing in RCW 7.12.020 (1) through (4); and

(b) The court finds, on the basis of specific facts alleged in the affidavit, after an ex parte hearing, that there is probable cause to believe the allegations of plaintiff's affidavit.

(3) If a writ is issued under subsection (2) of this section without prior notice to defendant, after seizure of property under the writ the defendant shall be entitled to prompt notice of the seizure and of a right to an early hearing, if requested, at which the plaintiff shall establish the probable validity of the claim sued on and that there is probable cause to believe that the alleged ground for attachment exists. Such notice shall be given in the manner prescribed in subsections (4) and (5) of this section.

(4) When notice and a hearing are required under this section, notice may be given by a show cause order stating the date, time, and place of the hearing. Notice required under this section shall be jurisdictional and, except as provided for published notice in subsection (5) of this section, notice shall be served in the same manner as a summons in a civil action and shall be served together with: (a) Copies of the plaintiff's affidavit and of the writ; (b) if the defendant is an individual, copies of homestead statutes, RCW 6.12.010, 6.12.045, and 6.12.050, if real property is to be attached, or copies of exemption statutes, RCW 6.16.020 and 6.16.090, if personal property is to be attached; and (c) if the plaintiff has proceeded under subsection (2) of this section, a copy of a "Notice of Right to Hearing" in substantially the following form:

#### NOTICE OF RIGHT TO HEARING

In a lawsuit against you, a Washington court has issued the Writ of Attachment included with this notice. Under the writ a sheriff or sheriff's deputy has or will put a lien against your real estate or has seized or will seize other property of yours to hold until the court decides the lawsuit.

Delivery of this notice of your rights is required by law.

YOU HAVE THE RIGHT TO A HEARING. At the hearing, the plaintiff must give evidence that there is probable cause to believe that the statements in the enclosed affidavit are true and also that the claim stated in the lawsuit is probably valid, or else your property will be released.

If the defendant is an individual, the following paragraph shall be added to the notice:

YOU MAY ALSO HAVE A RIGHT TO HAVE YOUR PROPERTY RELEASED if it is exempt property as described in the copies of statutes included with this notice and if you claim your exemptions in the way described in the statutes.

(5) If service of notice on the defendant must be effected by publication, only the following notice need be published under the caption of the case:

To Defendant:

A writ of attachment has been issued in the above-captioned case, directed to the Sheriff of ..... County, commanding the Sheriff as follows:

"WHEREAS, . . . (Quoting body of writ of attachment)"

YOU HAVE A RIGHT TO ASK FOR A HEARING. At the hearing, the plaintiff must give evidence that there is probable cause to believe that the ground for attachment alleged in an affidavit filed with the court exists and also that the claim stated in the lawsuit is probably valid, or else the attachment will be discharged.

If the defendant is an individual, the following paragraph shall be added to the published notice:

YOU MAY ALSO HAVE A RIGHT TO HAVE YOUR PROPERTY RELEASED if it is exempt property as described in Washington exemption statutes, including sections 6.12.010, 6.12.045, 6.12.050, 6.16.020 and 6.16.090 of the Revised Code of Washington, in the manner described in those statutes.

Sec. 808, Section 6, page 40, Laws of 1886 as last amended by section 1, chapter 51, Laws of 1957 and RCW 7.12.060 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, before the writ of attachment shall issue, the plaintiff, or someone in ~~(his)~~ the plaintiff's behalf, shall execute and file with the clerk a surety bond or undertaking in the sum in no case less than three ~~((hundred))~~ thousand dollars, in the superior court, nor less than ~~((fifty))~~ five hundred dollars in the ~~((justice))~~ district court, and double the amount for which plaintiff demands judgment, or such other amount as the court shall fix, conditional that the plaintiff will prosecute ~~((his))~~ the action without delay and will pay all costs that may be adjudged to the defendant, and all damages ~~((which he))~~ that the defendant may sustain by reason of the writ of attachment or of additional writs issued as permitted under RCW 7.12.100, not exceeding the amount specified in such bond or undertaking, as the penalty thereof, should the same be wrongfully, oppressively or maliciously sued out. ~~((With said bond or undertaking there shall also be filed the affidavit of the sureties, from which it must appear that such sureties are qualified and that they are, taken together, worth the sum specified in the bond or undertaking, over and above all debts and liabilities, and property exempt from execution. No person not qualified to become surety as provided by~~

law, shall be qualified to become surety upon a bond or undertaking for an attachment: ~~PROVIDED, That when)~~

(2) If it is desired to attach real estate only, and such fact is stated in the affidavit for attachment, and the ground of attachment is that the defendant is a foreign corporation or is not a resident of the state, or conceals himself or herself or has absconded or is absent from his or her usual place of abode so that the ordinary process of law cannot be served upon him or her, ((or has absconded or absented himself from his usual place of abode, so that the ordinary process of law cannot be served upon him:)) the writ of attachment shall issue without bond or undertaking by or on behalf of the plaintiff: ~~(- AND PROVIDED FURTHER, That when the claim, debt or obligation whether in contract or tort, upon which plaintiff's cause of action is based, shall have been assigned to him, and his)).~~

(3) If the plaintiff sues on an assigned claim and the plaintiff's immediate or any other assignor thereof retains or has any interest ((therein) in the claim, then the plaintiff and every assignor ((of said claim, debt or obligation)) who retains or has any interest therein(;) shall be jointly and severally liable ((to the defendant) for all costs that may be adjudged to ((him)) the defendant and for all damages ((which he) that the defendant may sustain by reason of the attachment, should the same be wrongfully, oppressively or maliciously sued out.

Sec. 809. Section 7, page 40, Laws of 1886 and RCW 7.12.070 are each amended to read as follows:

The defendant may, at any time before judgment, move the court or judge for additional security on the part of the plaintiff, or for security if none was required under RCW 7.12.060, and if, on such motion, the court or judge is satisfied that security or additional security should be required or that the surety in the plaintiff's bond has removed from this state(;) or is not sufficient, the attachment may be vacated, and restitution directed of any property taken under it, unless in a reasonable time, to be fixed by the court or judge, further security is given by the plaintiff in form as provided in RCW 7.12.060.

Sec. 810. Section 8, page 41, Laws of 1886 and RCW 7.12.080 are each amended to read as follows:

In an action on such bond ~~((the plaintiff therein may recover)), if ((he shows)) it is shown that the attachment was wrongfully sued out, ((and that there was no reasonable cause to believe the ground upon which the same was issued to be true:))~~ the defendant may recover the actual damages sustained and reasonable attorney's fees to be fixed by the court((-and)), If it ((be)) is shown that such attachment was sued out maliciously, ((he)) the defendant may recover exemplary damages, ((nor need he)) and the defendant need not wait until the principal suit is determined before suing on the bond.

Sec. 811. Section 9, page 41, Laws of 1886 and RCW 7.12.090 are each amended to read as follows:

The writ of attachment shall be directed to the sheriff of any county in which property of the defendant may be, and shall require ~~((him)) the sheriff~~ to attach and safely keep the property of such defendant within ~~((his)) the~~ county, to the requisite amount, which shall be stated in conformity with the affidavit. The sheriff shall in all cases attach the amount of property directed, if sufficient property not ~~((exempt)) exempted~~ from execution be found in ~~((his)) the~~ county, giving that in which the defendant has a legal and unquestionable title a preference over that in which ~~((his)) title~~ is doubtful or only equitable, and ~~((he)) the sheriff~~ shall as nearly as the circumstances of the case will permit, levy upon property fifty percent greater in valuation than the amount that the plaintiff in ((his)) the affidavit claims to be due. When property is seized on attachment, the court may allow to the officer having charge thereof such compensation for ~~((his)) the~~ trouble and expenses in keeping the same as shall be reasonable and just.

Sec. 812. Section 10, page 41, Laws of 1886 and RCW 7.12.100 are each amended to read as follows:

If a writ of attachment has been issued in a case, other writs of attachment may be issued in the same case from the ((superior) court((s)) to different counties, and several may, at the option of the plaintiff, be issued at the same time, or in succession and subsequently, until sufficient property has been attached; but only those executed shall be taxed in the costs, unless otherwise ordered by the court, and if more property is attached in the aggregate than the plaintiff is entitled to have held, the surplus must be abandoned and the plaintiff pay all costs incurred in relation to such surplus. After the first writ ((shall have)) has issued, it shall not be necessary for the plaintiff to file any further affidavit or bond unless the court otherwise directs, but ((he)) the plaintiff shall be entitled to as many writs as may be necessary to secure the amount claimed.

Sec. 813. Section 11, page 41, Laws of 1886 and RCW 7.12.110 are each amended to read as follows:

The sheriff or other officer shall indorse upon the writ of attachment in ink the day, hour, and minute when the writ first came into the officer's hands. Where there are several attachments against the same defendant, they shall be executed in the order in which they were received by the sheriff.

NEW SECTION. Sec. 814. The sheriff shall levy on property to be attached in the same manner as provided for execution in RCW 7.12.130, section 417 of this 1987 act, and RCW 6.04.120.

Sec. 815. Section 12, page 42, Laws of 1886 and RCW 7.12.120 are each amended to read as follows:

If, after an attachment has been placed in the hands of the sheriff, any property of the defendant is moved from the county, the sheriff may pursue and attach the ~~((same))~~ property in an adjoining county(:)) within twenty-four hours after removal.

Sec. 816. Section 21, page 43, Laws of 1886 as amended by section 2, chapter 100, Laws of 1927 and RCW 7.12.200 are each amended to read as follows:

The sheriff shall make a full inventory of the property attached and return the ~~((same))~~ inventory with the writ of attachment within twenty days of receipt of the writ, with a return of the proceedings indorsed on or attached to the writ. If the writ was issued at the same time as the summons, the sheriff shall return the writ with the summons.

Sec. 817. Section 14, page 42, Laws of 1886 and RCW 7.12.140 are each amended to read as follows:

Whenever it appears by the affidavit of the plaintiff that the plaintiff has probable cause to believe that a ground for attachment exists and it appears by the plaintiff's affidavit or by the return of the attachment that no property is known to the plaintiff or officer on which the attachment can be executed, or not enough to satisfy the plaintiff's claim, and it being shown to the court or judge by affidavit that the defendant has property within the state not ~~((exempt))~~ exempted, the defendant may be required by such court or judge to attend before the court or judge or referee appointed by the court or judge and give information on oath respecting the ~~((same))~~ property.

Sec. 818. Section 31, page 45, Laws of 1886 as amended by section 1, chapter 131, Laws of 1927 and RCW 7.12.270 are each amended to read as follows:

(1) The defendant may at any time, after ~~((he has appeared))~~ appearing in the action and before ~~((he has given))~~ giving bond ~~((to the effect that he will perform the judgment of the court))~~ as provided in RCW 7.12.250, apply on motion, upon reasonable notice to the plaintiff, to the court in which the action is brought or to the judge thereof, that the writ of attachment be discharged on the ground that ~~((the same))~~ it was improperly or irregularly issued.

(2) If the motion is made on affidavits on the part of the defendant, the plaintiff may oppose the same by affidavits in addition to those on which the attachment was issued or by other evidence, unless otherwise ordered by the court.

(3) If upon application it satisfactorily appears that the writ of attachment was improperly or irregularly issued, it must be discharged.

(4) Whenever an order has been made discharging or releasing an attachment upon real property, a certified copy of such order may be recorded with the recording officer of the county in which the writ of attachment has been recorded.

Sec. 819. Section 29, page 45, Laws of 1886 and RCW 7.12.250 are each amended to read as follows:

If the defendant, at any time before judgment, causes a bond to be executed to the plaintiff with sufficient sureties, to be approved by the officer having the attachment or after the return thereof by the clerk ~~((to the effect that he will perform))~~, conditional on the performance of the judgment of the court, the attachment shall be discharged and restitution made of property taken or proceeds thereof. The execution of such bond shall be deemed an appearance of such defendant to the action. The bond shall be part of the record and, if judgment goes against the defendant, the judgment shall be entered against the defendant and the sureties.

Sec. 820. Section 15, page 42, Laws of 1886 as amended by section 9, chapter 9, Laws of 1957 and RCW 7.12.150 are each amended to read as follows:

The court before whom the action is pending may at any time appoint a receiver to take possession of property attached under the provisions of this chapter(:)) and to collect, manage, and control the ~~((same))~~ property and pay over the proceeds according to the nature of the property and the exigency of the case.

NEW SECTION. Sec. 821. (1) If, before or after levy under a writ of attachment, the plaintiff receives notice that the defendant has become a debtor in a bankruptcy case, the plaintiff shall immediately give written notice of that fact to the sheriff.

(2) If, before levying under a writ of attachment, a sheriff receives notice that the defendant has become a debtor in a bankruptcy case, the sheriff shall immediately give written notice of that fact to the plaintiff's attorney of record, if any, otherwise to the plaintiff, and shall not be bound to levy under the writ. If, after levying on property under a writ of attachment, a sheriff receives such notice, the sheriff shall give written notice of the attachment, describing the property seized, to the trustee in the bankruptcy case if there is one, otherwise to the bankruptcy court, with a copy to the plaintiff's attorney of record, if any, otherwise to the plaintiff, and shall transfer the property to the trustee on demand or as the bankruptcy court otherwise directs. If no demand is made on the sheriff for surrender of the property and the sheriff thereafter receives notice of the closing of the bankruptcy case, the sheriff shall give written notice by first class mail to the plaintiff's attorney of record, if any, otherwise to the plaintiff, requiring

that the plaintiff release the property or obtain a renewal of the writ from the court, and, if the plaintiff fails to release the property or to apply for a renewal within fourteen days after the mailing of the sheriff's notice, the sheriff may release the property to the defendant.

Sec. 822. Section 16, page 42, Laws of 1886 as amended by section 2, chapter 51, Laws of 1957 and RCW 7.12.160 are each amended to read as follows:

If any property attached be perishable or in danger of serious and immediate waste or decay, the sheriff shall sell the same in the manner in which such property is sold on execution. Whenever it shall be made to appear satisfactorily to the court or judge that the interest of the parties to the action will be subserved by a sale of any attached property, the court or judge may order such property to be sold in the same manner as like property is sold under execution. Such order shall be made only upon notice to the adverse party or ~~(his)~~ that party's attorney in case such party shall have been personally served with a summons in the action.

Sec. 823. Section 17, page 43, Laws of 1886 and RCW 7.12.170 are each amended to read as follows:

All moneys received by the sheriff under the provisions of this chapter shall be paid to the clerk of the court that issued the writ, to be held to be applied to any judgment that may be recovered in the action, and all other attached property shall be retained by (him) the sheriff to (answer) be applied to any judgment that may be recovered in the action (unless sooner subjected to execution upon another judgment recovered previous to the issuing of the attachment).

Sec. 824. Section 25, page 44, Laws of 1886 as amended by section 4, chapter 51, Laws of 1957 and RCW 7.12.210 are each amended to read as follows:

If judgment ~~((be))~~ is recovered by the plaintiff ~~((the sheriff shall satisfy the same)), it shall be paid out of any proceeds held by the clerk of the court and out of the property ((attached by him which has not been delivered to the defendant or claimant as in this chapter provided or subjected to execution on another judgment recovered previous to the issuing of the attachment, if it be))~~ retained by the sheriff if it is sufficient for that purpose as follows:

(1) By applying on the execution issued on said judgment the proceeds of all sales of perishable or other property sold ~~((by him)),~~ or so much as shall be necessary to satisfy the judgment.

(2) If any balance remains due ~~((he)),~~ the sheriff shall sell under the execution so much of the personal property ((real or personal)) attached as may be necessary to satisfy the balance ((if enough for that purpose remain in his hands)) and, if there is not sufficient personal property to satisfy the balance, the sheriff shall sell so much of any real property attached as is necessary to satisfy the judgment.

Notice of ~~((the))~~ sale shall be given and ~~((the))~~ sale conducted as in other cases of sales on execution.

Sec. 825. Section 26, page 44, Laws of 1886 as amended by section 5, chapter 51, Laws of 1957 and RCW 7.12.220 are each amended to read as follows:

If, after ~~((selling))~~ the proceeds of all the property attached ((by him remaining in his hands, and applying the proceeds, deducting his fees;)) have been applied to the payment of the judgment, any balance ((shall)) remains due, the sheriff shall proceed ((to collect such balance)) as upon an execution in other cases. Whenever the judgment ~~((shall have))~~ has been paid, the sheriff, upon reasonable demand, shall deliver ((over)) to the defendant the attached property remaining ((in his hands)) and the clerk shall pay to the defendant any remaining proceeds of the property attached ((unapplied)) that have not been applied on the judgment.

Sec. 826. Section 27, page 45, Laws of 1886 and RCW 7.12.230 are each amended to read as follows:

If the execution ~~((be))~~ is returned unsatisfied, in whole or in part, the plaintiff may proceed as in other cases upon the return of an execution.

Sec. 827. Section 28, page 45, Laws of 1886 and RCW 7.12.240 are each amended to read as follows:

If the defendant recovers judgment against the plaintiff, all the proceeds of sales and money collected by the sheriff and deposited with the clerk and all the property attached ((remaining in)) and retained by the sheriff ((his hands)) shall be delivered to the defendant or ~~((his))~~ the defendant's agent. The order of attachment shall be discharged and the property released therefrom.

Sec. 828. Section 35, page 46, Laws of 1886 and RCW 7.12.310 are each amended to read as follows:

This chapter shall be liberally construed, and the plaintiff, at any time when objection is made thereto, shall be permitted to amend any defect in the complaint, affidavit, bond, writ or other proceeding, and no attachment shall be quashed or dismissed, or the property attached released, if the defect in any of the proceedings has been or can be amended so as to show that a legal cause for the attachment existed at the time it was issued, and the court shall give the plaintiff a reasonable time to perfect such defective proceedings. ~~((The causes for attachment shall not be stated in the alternative;))~~

NEW SECTION. Sec. 829. The following acts or parts of acts are each repealed:

(1) Section 5, page 40, Laws of 1886 and RCW 7.12.050;

- (2) Section 20, page 43, Laws of 1886, section 3, chapter 51, Laws of 1957 and RCW 7.12.190;
- (3) Section 30, page 45, Laws of 1886 and RCW 7.12.260;
- (4) Section 32, page 45, Laws of 1886 and RCW 7.12.280;
- (5) Section 33, page 45, Laws of 1886 and RCW 7.12.290;
- (6) Section 34, page 45, Laws of 1886 and RCW 7.12.300; and
- (7) Section 37, page 46, Laws of 1886 and RCW 7.12.330.

**NEW SECTION.** Sec. 830. The following acts or parts of acts are each repealed:

- (1) Section 86, page 238, Laws of 1854, section 85, page 350, Laws of 1873, section 1786, Code of 1881 and RCW 12.24.010;
- (2) Section 87, page 238, Laws of 1854, section 86, page 351, Laws of 1873, section 1787, Code of 1881 and RCW 12.24.020;
- (3) Section 88, page 238, Laws of 1854, section 87, page 351, Laws of 1873, section 1788, Code of 1881 and RCW 12.24.030;
- (4) Section 91, page 238, Laws of 1854, section 90, page 352, Laws of 1873, section 1791, Code of 1881, section 14, chapter 89, Laws of 1957 and RCW 12.24.040;
- (5) Section 89, page 238, Laws of 1854, section 88, page 351, Laws of 1873, section 1789, Code of 1881, section 15, chapter 89, Laws of 1957 and RCW 12.24.050;
- (6) Section 90, page 238, Laws of 1854, section 89, page 351, Laws of 1873, section 1790, Code of 1881, section 16, chapter 89, Laws of 1957 and RCW 12.24.060;
- (7) Section 92, page 239, Laws of 1854, section 91, page 352, Laws of 1873, section 1792, Code of 1881 and RCW 12.24.070;
- (8) Section 93, page 239, Laws of 1854, section 92, page 352, Laws of 1873, section 1793, Code of 1881 and RCW 12.24.080;
- (9) Section 94, page 239, Laws of 1854, section 93, page 352, Laws of 1873, section 1794, Code of 1881 and RCW 12.24.090;
- (10) Section 95, page 240, Laws of 1854, section 94, page 352, Laws of 1873, section 1795, Code of 1881, section 1, chapter 21, Laws of 1984 and RCW 12.24.100;
- (11) Section 96, page 240, Laws of 1854, section 95, page 352, Laws of 1873, section 1796, Code of 1881 and RCW 12.24.110;
- (12) Section 97, page 240, Laws of 1854, section 96, page 352, Laws of 1873, section 1797, Code of 1881 and RCW 12.24.120;
- (13) Section 98, page 240, Laws of 1854, section 97, page 353, Laws of 1873, section 1798, Code of 1881 and RCW 12.24.130;
- (14) Section 4, chapter 254, Laws of 1983, section 94, chapter 258, Laws of 1984 and RCW 12.24.135;
- (15) Section 99, page 240, Laws of 1854, section 98, page 353, Laws of 1873, section 1799, Code of 1881 and RCW 12.24.140;
- (16) Section 100, page 240, Laws of 1854, section 99, page 353, Laws of 1873, section 1800, Code of 1881 and RCW 12.24.150;
- (17) Section 101, page 241, Laws of 1854, section 100, page 354, Laws of 1873, section 1801, Code of 1881 and RCW 12.24.160;
- (18) Section 102, page 241, Laws of 1854, section 101, page 354, Laws of 1873, section 1802, Code of 1881 and RCW 12.24.170;
- (19) Section 103, page 241, Laws of 1854, section 102, page 354, Laws of 1873, section 1803, Code of 1881 and RCW 12.24.180;
- (20) Section 106, page 241, Laws of 1854, section 105, page 354, Laws of 1873, section 1806, Code of 1881 and RCW 12.24.190;
- (21) Section 107, page 241, Laws of 1854, section 106, page 355, Laws of 1873, section 6, page 202, Laws of 1877, section 1807, Code of 1881 and RCW 12.24.200; and
- (22) Section 108, page 242, Laws of 1854, section 89, page 355, Laws of 1863, section 107, page 355, Laws of 1873, section 1808, Code of 1881 and RCW 12.24.210.

#### PART IX

##### PREJUDGMENT GARNISHMENT

**NEW SECTION.** Sec. 901. Except as limited by RCW 7.33.060, relating to the state and other public entities, and RCW 7.33.350, relating to continuing liens on earnings, the plaintiff at the time of commencing an action, or at any time thereafter before judgment in an action, may obtain a prejudgment writ of garnishment from a superior or district court of this state before which the action is pending on the following grounds:

- (1) If the writ is directed to other than an employer and for a purpose other than garnishing a defendant's earnings as defined in section 1001 of this act, (a) on the ground that an attachment has been issued in accordance with chapter 7.12 RCW, (b) on the ground that the plaintiff sues on a debt that is due and owing and unpaid, or (c) on one or more of the grounds for issuance of attachment stated in RCW 7.12.020 or 7.12.030; or
- (2) If the writ is directed to an employer for the purpose of garnishing earnings of a defendant, on the grounds that the defendant:
  - (a) Is not a resident of this state, or is about to move from this state; or
  - (b) Has concealed himself or herself, absconded, or absented himself or herself so that ordinary process of law cannot be served on him or her; or

(c) Has removed or is about to remove any of his or her property from this state, with intent to delay or defraud his or her creditors.

Sec. 902. Section 3, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.030 are each amended to read as follows:

In all cases of garnishment before judgment, before the writ shall issue, the plaintiff shall pay the fee described in RCW 7.33.040 and shall execute and file with the clerk a bond with ((two or more good and) sufficient sureties, to be approved by the clerk of the court issuing the writ, payable to the defendant in the suit, in double the amount of the debt claimed therein, conditioned that ((he) the plaintiff will prosecute ((his) the suit without delay and pay all damages and costs that may be adjudged against him or her for wrongfully suing out such garnishment)((- PROVIDED, That nothing in this section shall prohibit a credit agency, or other party contemplating multiple garnishments before judgment, from posting one large bond covering more than one garnishment proceeding)).

NEW SECTION, Sec. 903. In an action on the bond under RCW 7.33.030, if it is shown that the garnishment was wrongfully sued out, the defendant may recover the actual damages sustained and reasonable attorney's fees to be fixed by the court. If it is shown that such garnishment was sued out maliciously, the defendant may also recover exemplary damages, and the defendant need not wait until the principal suit is determined before suing on the bond by counterclaim in the original action or in a separate action.

Sec. 904. Section 34, chapter 264, Laws of 1969 ex. sess. as amended by section 4, chapter 61, Laws of 1970 ex. sess. and RCW 7.33.340 are each amended to read as follows:

In all actions in which a prejudgment writ of garnishment has been issued by a court and served upon a garnishee, in the event judgment is not entered for the plaintiff on the claim sued upon by plaintiff, and the claim has not voluntarily been settled or otherwise satisfied, the defendant shall have an action for damages against the plaintiff. The defendant's action for damages may be brought by way of a counterclaim in the original action or in a separate action and, in the action the trier of fact, in addition to other actual damages sustained by the defendant, may award ((him)) the defendant reasonable attorney's fees.

NEW SECTION, Sec. 905. The plaintiff or someone on the plaintiff's behalf shall apply for a prejudgment writ of garnishment by affidavit, alleging that the garnishment is not sought and the action is not prosecuted to hinder, delay, or defraud any creditor of the defendant and also alleging that the affiant has reason to believe and does believe the following, together with specific facts on which the affiant's belief in the allegations is based: (1) That the defendant is indebted to the plaintiff (specifying the nature of the claim and the amount of such indebtedness over and above all just credits and offsets); (2) that one or more of the grounds for prejudgment garnishment established in section 901 of this act exists; (3) that the plaintiff has reason to believe, and does believe, that the garnishee, stating the garnishee's name and residence or place of business, is indebted to the defendant in amounts exceeding those exempted from garnishment by any state or federal law, or that the garnishee has possession or control of personal property or effects belonging to the defendant which are not exempted from garnishment by any state or federal law; (4) whether or not the garnishee is the employer of the defendant; and (5) if the action is based on a debt not due, that nothing but time is wanting to fix an absolute indebtedness due from the defendant.

NEW SECTION, Sec. 906. (1) When application is made for a prejudgment writ of garnishment, the court shall issue the writ in substantially the form prescribed in RCW 7.33.050, 7.33.120, and 7.33.110 directing that the garnishee withhold an amount as prescribed in RCW 7.33.090, but, except as provided in subsection (2) of this section, the court shall issue the writ only after prior notice to the defendant, given in the manner prescribed in subsections (4) and (5) of this section, with an opportunity for a prior hearing at which the plaintiff shall establish the probable validity of the plaintiff's claim and that there is probable cause to believe that the alleged ground for garnishment exists.

(2) Subject to subsection (3) of this section, the court shall issue the writ without prior notice to the defendant and without an opportunity for a prior hearing only if:

(a) A ground alleged in the plaintiff's affidavit is: (i) A ground appearing in section 901(2)(c) of this act if the writ is to be directed to an employer for the purpose of garnishing the defendant's earnings; or (ii) a ground appearing in RCW 7.12.020 (5) through (7) or in RCW 7.12.030(1) of the attachment chapter; or (iii) if garnishment is necessary to permit the court to acquire jurisdiction over the action, the ground alleged is one appearing in RCW 7.12.020 (1) through (4) or in section 901(2) (a) or (b) of this act; and

(b) The court finds on the basis of specific facts, after an ex parte hearing, that there is probable cause to believe the allegations of the plaintiff's affidavit.

(3) If a writ is issued under subsection (2) of this section without prior notice to the defendant, after service of the writ on the garnishee, the defendant shall be entitled to prompt notice of the garnishment and a right to an early hearing, if requested, at which the plaintiff shall establish the probable validity of the claim sued on and that there is probable cause to believe that the alleged ground for garnishment exists.

(4) When notice and a hearing are required under this section, notice may be given by a show cause order stating the date, time, and place of the hearing. Notice required under this

section shall be jurisdictional and, except as provided for published notice in subsection (5) of this section, notice required under this section shall be served in the same manner as a summons in a civil action and shall be served together with (a) copies of plaintiff's affidavit and of the writ, and (b) a copy of the following "Notice of Right to a Hearing" or, if defendant is an individual, a copy of the claim form and the "Notice of Garnishment and of Your Rights" prescribed by section 1014 of this act, in which the following notice is substituted for the first paragraph of said Notice:

**NOTICE OF RIGHT TO HEARING**

The writ of garnishment served with this Notice has been issued by a Washington court and has been or will be served on the garnishee defendant. It will require the garnishee defendant to withhold payment of money that may be due to you and to withhold other property of yours that the garnishee may hold or control until a lawsuit in which you are a defendant has been decided by the court. Service of this notice of your rights is required by law.

**YOU HAVE A RIGHT TO A HEARING.** At the hearing, the plaintiff must give evidence that there is probable cause to believe that the statements in the enclosed affidavit are true and also that the claim stated in the lawsuit is probably valid, or else the garnishment will be released.

(5) If service of notice on the defendant must be effected by publication, only the following notice need be published under the caption of the case:

To, Defendant:

A writ of prejudgment garnishment has been issued in the above captioned case, directed to . . . . . as Garnishee Defendant, commanding the Garnishee to withhold amounts due you or to withhold any of your property in the Garnishee's possession or control for application to any judgment that may be entered for plaintiff in the case.

**YOU HAVE A RIGHT TO ASK FOR A HEARING.** At the hearing, the plaintiff must give evidence that there is probable cause to believe that the ground for garnishment alleged in an affidavit filed with the court exists and also that the claim stated in the lawsuit is probably valid, or else the garnishment will be released.

If the defendant is an individual, the following paragraph shall be added to the published notice:

**YOU MAY ALSO HAVE A RIGHT TO HAVE THE GARNISHMENT RELEASED** if amounts or property withheld are exempt under federal or state statutes, for example, bank accounts in which benefits such as Aid to Families with Dependent children (AFDC), Supplemental Security Income (SSI), Social Security, United States pension, Unemployment Compensation, or Veterans' benefits have been deposited or certain personal property described in section 6.16.020 of the Revised Code of Washington.

**NEW SECTION, Sec. 907.** Except as otherwise provided, the provisions of chapter 7.33 RCW governing garnishments apply to prejudgment garnishments.

**NEW SECTION, Sec. 908.** The following acts or parts of acts are each repealed:

- (1) Section 7, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.070;
- (2) Section 8, chapter 264, Laws of 1969 ex. sess., section 2, chapter 61, Laws of 1970 ex. sess. and RCW 7.33.080;
- (3) Section 10, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.100;
- (4) Section 12, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.120;
- (5) Section 25, chapter 264, Laws of 1969 ex. sess., section 4, chapter 41, Laws of 1983 1st ex. sess. and RCW 7.33.250; and
- (6) Section 9, chapter 61, Laws of 1970 ex. sess. and RCW 7.33.390.

**PART X**

**GARNISHMENT**

**NEW SECTION, Sec. 1001.** (1) As used in this chapter, the term "earnings" means compensation paid or payable to an individual for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement program.

(2) As used in this chapter, the term "disposable earnings" means that part of earnings remaining after the deduction from those earnings of any amounts required by law to be withheld.

Sec. 1002. Section 1, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.010 are each amended to read as follows:

(1) ~~(Except as is provided in subsection (2) of this section.)~~ The clerks of the superior courts and district courts ~~((in the various counties in the))~~ of this state may issue writs of garnishment returnable to their respective courts ~~((in the following cases:~~

~~(a) Where an original attachment has been issued in accordance with the statutes in relation to attachments;~~

~~(b) Where the plaintiff sues for a debt and the plaintiff or someone in his behalf makes affidavit that such debt is just, due and unpaid, and that the garnishment applied for is not sued out to injure either the defendant or the garnishee;~~

~~(c) Where the plaintiff) for the benefit of a judgment creditor who has a judgment wholly or partially unsatisfied in the court from which ((he seeks to have a writ of garnishment issued)) the garnishment is sought.~~

~~(2) ((A writ of garnishment which is not sought in order to satisfy an existing judgment shall not be issued by the clerk of the superior court against any employer for the purpose of garnishing any earnings he owes his employee, unless the plaintiff sues for a debt and the plaintiff believes that the employee:~~

~~(a) is not a resident of this state, or is about to move from this state, or~~

~~(b) has concealed himself, absconded, or absented himself so that ordinary process of law cannot be served on him, or~~

~~(c) has removed or is about to remove any of his property from this state, with intent to delay or defraud his creditors; and the plaintiff or someone on his behalf files an affidavit stating the specific facts upon which his belief is founded and the court pursuant to an ex parte hearing finds that there is sufficient reason to find the belief true.~~

~~(3) As used in this chapter, the term "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement program)) Except as otherwise provided in RCW 7.33.060 and 7.33.350, the superior courts and district courts of this state may issue prejudgment writs of garnishment to a plaintiff at the time of commencement of an action or at any time afterward, subject to the requirements of chapter 6.-- RCW (part IX of this act).~~

Sec. 1003. Section 2, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.020 are each amended to read as follows:

All ~~((of))~~ the provisions of this chapter~~((--except the provisions of RCW 7.33.030--))~~ shall apply to ~~((actions and))~~ proceedings before ~~((courts of limited jurisdiction))~~ district courts of this state. ~~((Where proceedings are in courts of limited jurisdiction, references to the superior court and/or the clerk thereof shall be translated to apply to the appropriate court of limited jurisdiction and/or clerk thereof.))~~

Sec. 1004. Section 6, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.060 are each amended to read as follows:

The state of Washington, all counties, cities, towns, school districts and other municipal corporations shall be subject to garnishment after judgment has been entered in the principal action, but not before, in the superior and ((justice)) district courts, in the same manner and with the same effect, as provided in the case of other garnishees.

The venue of any such garnishment proceeding shall be the same as for the original action, and the writ shall be issued by the clerk of the court having jurisdiction of such original action.

The writ of garnishment shall be served in the same manner and upon the same officer as is required for service of summons upon the commencement of a civil action against the state, county, city, town, school district, or other municipal corporation, as the case may be.

Sec. 1005. Section 19, page 43, Laws of 1886 as amended by section 1, chapter 101, Laws of 1927 and RCW 7.12.180 are each amended to read as follows:

A sheriff~~((--constable or any))~~ or other peace officer ~~((may be garnished for))~~ who holds money of the defendant ((in his hands but nothing herein shall be construed as permitting the garnishment of a sheriff, constable or other peace officer)) is subject to garnishment, excepting only for money or property taken from a person arrested by such officer, at the time of the arrest. A judgment debtor of the defendant ((may be garnished)) is subject to garnishment when the judgment has not been previously assigned on the record or by writing filed in the office of the clerk~~((--and by him))~~ of the court that entered the judgment and minuted by the clerk as an assignment ~~((on the margin of))~~ in the execution docket((--and also)). An executor or administrator ~~((may be garnished))~~ is subject to garnishment for money due from the decedent to the defendant.

Sec. 1006. Section 4, chapter 264, Laws of 1969 ex. sess. as last amended by section 3, chapter 193, Laws of 1981 and RCW 7.33.040 are each amended to read as follows:

~~((Before the issuance of the writ of garnishment))~~ The judgment creditor as the plaintiff or someone in ((his)) the judgment creditor's behalf shall ((make application therefor)) apply for a writ of garnishment by affidavit, stating the following facts ((authorizing the issuance of the writ, including): (1) The plaintiff has a judgment wholly or partially unsatisfied in the court from which the writ is sought; (2) the amount alleged to be due((--and that)) under that judgment; (3) the plaintiff has reason to believe, and does believe((--(t)) that the garnishee, stating ((his)) the garnishee's name and residence or place of business, is indebted to the defendant in amounts exceeding those exempted from garnishment by any state or federal law, or ((t)) that ((he)) the garnishee has ((in his)) possession((:)) or ((under his)) control((:)) of personal property or effects belonging to the defendant which are not exempted from garnishment by any state or federal law((:)); and (4) whether or not the garnishee is the employer of the judgment debtor.

The judgment creditor shall pay to the clerk of the superior court the fee provided by RCW 36.18.020, or to the clerk of the (~~justice~~) district court the fee of two dollars. (~~The party applying for this writ shall state in such affidavit whether or not the party who is to be the garnishee is the employer of the defendant.~~)

Sec. 1007. Section 1, chapter 61, Laws of 1970 ex. sess. and RCW 7.33.050 are each amended to read as follows:

When application for a writ of garnishment is made by a judgment creditor and the (~~foregoing requisites~~) requirements of RCW 7.33.040 have been complied with, the clerk shall docket the case in the names of the (~~plaintiff~~) judgment creditor as plaintiff, the judgment debtor as defendant, and (~~of~~) the garnishee as garnishee defendant, and shall immediately issue and deliver a writ of garnishment (~~:~~) to the judgment creditor in (~~such~~) the form (~~as provided~~) prescribed in RCW 7.33.110, directed to the garnishee, commanding (~~him~~) the garnishee to answer said writ on forms served with the writ and complying with RCW 7.33.150 within twenty days after the service of the writ upon (~~him~~) the garnishee.

The writ of garnishment shall be dated and attested as in the form prescribed in RCW 7.33.110. The name and office address of the plaintiff's attorney shall be indorsed thereon or, in case the plaintiff has no attorney, the name and address of the plaintiff shall be indorsed thereon. The address of the clerk's office shall appear at the bottom of the writ.

NEW SECTION. Sec. 1008. A writ of garnishment directed to a bank, banking association, mutual savings bank, savings and loan association, or credit union that maintains branch offices may identify a particular branch or the financial institution as the garnishee defendant, and the statement required by RCW 7.33.130(2) may be incorporated in the writ or served separately. Service shall be as required by RCW 7.33.130 except that, if the financial institution is named as garnishee defendant, service shall be on the head office or on any other office designated by the financial institution for receipt of service of process. If the branch is named as garnishee defendant, service shall be as required by RCW 7.33.130 and shall be effective only to attach the accounts, credits, or other personal property of the defendant in the particular branch to which the writ is directed and on which service is made.

Sec. 1009. Section 9, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.090 are each amended to read as follows:

The writ of garnishment shall set forth in the first paragraph the amount (~~which~~) that garnishee is required to hold, which shall be an amount determined as follows: (1) The amount of (~~the~~) the judgment remaining unsatisfied or (~~the~~) if before judgment, the amount prayed for in the complaint; (2) plus, if after judgment, interest to the date of garnishment (~~at the rate specified in the contractual document or the statutory rate, if there be no contractual document~~), as provided in RCW 4.56.110; (3) plus (~~whichever shall be greater of (a) fifty dollars or (b) ten percent of (i) the amount of the judgment remaining unsatisfied or (ii) the amount prayed for in the complaint~~) statutory costs, including statutory attorney's fees, or estimated costs of suit; and (4) plus estimated costs of garnishment, including service fees, costs of certified mail, answer fee or fees, other costs allowed by law and, if after judgment, an attorney fee in the amount of fifty dollars, or if before judgment, an attorney's fee estimated in the amount of fifty dollars. The court may, by order, set a higher amount to be held upon a showing of good cause by plaintiff (~~set a higher amount~~).

Sec. 1010. Section 11, chapter 264, Laws of 1969 ex. sess. as amended by section 4, chapter 193, Laws of 1981 and RCW 7.33.110 are each amended to read as follows:

(Said) The writ shall be substantially in the following form: PROVIDED, That if the writ is issued under a court order or judgment for child support, the following statement shall appear conspicuously in the caption: "This garnishment is based on a judgment or court order for child support": AND PROVIDED FURTHER, That if the garnishment is for a continuing lien, the form shall be modified as provided in RCW 7.33.360:

"IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON IN AND FOR THE COUNTY OF

.....  
Plaintiff, No. ....  
vs.  
.....  
Defendant WRIT OF GARNISHMENT

.....  
Garnishee Defendant  
THE STATE OF WASHINGTON TO: .....  
Garnishee Defendant

AND TO: .....  
Defendant

The above-named plaintiff (~~claims~~) has applied for a writ of garnishment against you, claiming that the above-named defendant is indebted to plaintiff and that the amount (~~of~~) dollars should) to be held to satisfy that indebtedness (~~and has applied for a writ of garnishment against you~~) is \$ ....., consisting of:

<u>Balance on Judgment or Amount of Claim</u>	\$ .....
<u>Interest under Judgment from .....</u> to .....	\$ .....
<u>Allowed Costs and Attorneys' Fees</u>	\$ .....
<u>Estimated Garnishment Costs:</u>	
<u>Service Fees</u>	\$ .....
<u>Certified Mail</u>	\$ .....
<u>Attorney's Fee</u>	\$ 50.00
<u>Answer Fee or Fees</u>	\$ .....
<u>Other</u>	\$ .....

YOU ARE HEREBY COMMANDED, unless otherwise directed by the court or by this writ, not to pay any debt, whether wages subject to this garnishment or any other debt, owed to the defendant at the time this writ was served and not to deliver, sell, or transfer, or recognize any sale or transfer of, any personal property or effects of the defendant in your possession or control at the time when this writ was served. Any such payment, delivery, sale, or transfer is void to the extent necessary to satisfy the plaintiff's claim and costs for this writ with interest.

((You are hereby commanded)) YOU ARE FURTHER COMMANDED to answer this writ by filing in the attached form according to the instructions ((thereon and you must)) in this writ and in the answer forms and, within twenty days after the service of the writ upon you, to mail or deliver the original of such answer to the court, one copy to the plaintiff or ((his)) the plaintiff's attorney, and one copy to the defendant ((within twenty days after the service of the writ upon you)), in the envelopes provided.

If, at the time this writ was served, you ((owe)) owed the defendant any wages, salary, commission, bonus, or other compensation for personal services or any periodic payments pursuant to a pension or retirement program, ((then you shall do as follows:

(1) For each week of such wages, salary or other compensation for personal services you owe the defendant, deduct twenty-five percent of the disposable earnings of defendant, or the amount by which his disposable earnings exceed ..... dollars for each week, which ever shall be less:

(2) The total amount deducted above is subject to garnishment, and all other sums shall be paid to the defendant on the day you would customarily pay him such wages, salary or other compensation:

(3) Do not make any deduction if the defendant's wages, salary or other compensation does not exceed ..... dollars for each week of such wages, salary or other compensation you owe the defendant. This weekly amount is exempt by law from garnishment and must be paid to the defendant.

Unless directed by the court, do not pay any debt, whether wages subject to this garnishment or any other debt, owed the defendant when this writ was served, or deliver, sell or transfer, or recognize any sale or transfer of, any personal property or effects of the defendant in your possession or control when this writ was served, any such payment, delivery, sale or transfer is void as to so much of the debt, property or shares as are necessary to satisfy plaintiff's claim and costs for this writ with interest)) the defendant is entitled to receive amounts that are exempt from garnishment under federal and state law. You must pay the exempt amounts to the defendant on the day you would customarily pay the compensation or other periodic payment. As more fully explained in the answer, the basic exempt amount is the greater of seventy-five percent of disposable earnings or \$ ..... for each week of compensation or other periodic payment due, to be calculated as provided in the answer. However, if this writ carries a statement in the heading that "This garnishment is based on a judgment or court order for child support," the basic exempt amount is forty percent of disposable earnings.

((in the event that)) if you owe ((to)) the defendant a debt payable in money ((and subject to this garnishment)) in excess of the amount set forth in the first paragraph of this ((garnishment)) writ, hold only the amount set forth in ((said)) the first paragraph ((of this garnishment)) and release all additional funds or property to defendant.

YOUR FAILURE TO ANSWER THIS WRIT AS COMMANDED WILL RESULT IN A JUDGMENT BEING ENTERED AGAINST YOU FOR THE FULL AMOUNT OF THE PLAINTIFF'S CLAIM AGAINST THE DEFENDANT WITH ACCRUING INTERESTS AND COSTS WHETHER OR NOT YOU OWE ANYTHING TO THE DEFENDANT((YOUR FAILURE TO ANSWER AS REQUIRED MAY MAKE YOU LIABLE FOR THE DEFENDANT'S CLAIMED DEBT TO THE PLAINTIFF.

NOTICE TO DEFENDANT: THE LAW MAY PROTECT CERTAIN TYPES AND AMOUNTS OF YOUR INCOME AND PROPERTY FROM GARNISHMENT. TO CLAIM SUCH EXEMPTIONS, YOU MUST FILE A SWORN STATEMENT WITH THE COURT WITHIN TWENTY DAYS AFTER THE GARNISHEE ANSWERS THIS WRIT).

Witness, the Honorable ....., Judge of the Superior Court, and the seal thereof, this ..... day of ....., 19....  
(Seal)

.....  
 Attorney for  
 Plaintiff (or  
 Plaintiff,  
 if no attorney)

.....  
 Clerk of  
 Superior  
 Court

.....  
 Address

.....  
 By

.....  
Address

Sec. 1011. Section 13, chapter 264, Laws of 1969 ex. sess. as last amended by section 5, chapter 193, Laws of 1981 and RCW 7.33.130 are each amended to read as follows:

(1) Service of the writ of garnishment on the garnishee is invalid unless ~~((there))~~ the writ is served ~~((therewith (+)))~~ together with: (a) Four answer forms as ~~((provided))~~ prescribed in RCW 7.33.150 ~~((together with));~~ (b) three stamped envelopes addressed respectively to the clerk of the court issuing the writ, the attorney for the plaintiff (or to the plaintiff if ~~((he))~~ the plaintiff has no attorney), and the defendant; and ~~((2))~~ (c) cash~~(:)~~ or a check made payable to the garnishee in the amount of ten dollars.

(2) The writ of garnishment ~~((may))~~ shall be mailed to the garnishee by certified mail, return receipt requested, addressed in the same manner as a summons in a civil action, and will be binding upon the garnishee on the ~~((second-business))~~ day ~~((following the time as))~~ set forth on the return receipt. In the alternative, the writ ((may also)) shall be served by the sheriff of the county in which the garnishee lives or has its place of business or ((it may be served)) by any ((citizen of the state of Washington eighteen years of age or over and not a party to the action in which it is issued)) person qualified to serve process in the same manner as a summons in ((an)) a civil action is served: PROVIDED, HOWEVER, That ((where the)) a writ ((is)) directed to a bank, banking association, mutual savings bank or savings and loan association maintaining branch offices, as garnishee, ~~((the writ must be directed to and service thereof must be made by certified mail, return receipt requested, to, or by leaving a copy of the writ with))~~ shall be served by mail directed to, or by service on, the manager or ~~((any))~~ other officer or cashier or assistant cashier of such bank or association at ~~((the))~~ its office or branch ~~((thereof at which the account evidencing such indebtedness of the defendant is carried or at the office or branch which has in its possession or under its control credits or other personal property belonging to the defendant, in every case where))~~ that allegedly carries an account for defendant or allegedly holds or controls property belonging to the defendant and, in addition, there shall be served with the writ, as part of the service, a statement in writing signed by the plaintiff or plaintiff's attorney, stating (a) the defendant's place of residence and business, occupation, trade, or profession, or (b) the defendant's account number, if such information is not incorporated in the writ. If the statement is not served with the writ and such information is not included in the writ, the service shall be deemed incomplete and the garnishee shall not be held liable for funds owing to the defendant that it fails to discover.

(3) If a writ of garnishment is served by ~~((an officer, such officer))~~ a sheriff, the sheriff shall ~~((make his))~~ file with the clerk of the court that issued the writ a signed return ~~((thereon))~~ showing the time, place, and manner of service and that the writ was accompanied by answer forms ~~((and))~~, addressed envelopes, and cash or a check as required by this section, and noting thereon ~~((his))~~ fees for making ~~((such))~~ the service ~~((and shall sign his name to such return, in case such))~~. If service is made by any person other than ~~((an officer))~~ a sheriff, such person shall file a signed return including the same information and shall also attach to the ~~((original writ his))~~ return an affidavit showing ~~((his))~~ qualifications to make such service ~~((and that the writ was accompanied by answer forms and addressed envelopes and cash deposit or a check as required by this section, and the time, place and manner of making service, and shall endorse thereon the legal fees therefor))~~. If a writ of garnishment is served by mail, the person making the mailing shall file a signed return showing the time, place, and manner of mailing and that the writ was accompanied by answer forms, addressed envelopes, and cash or a check as required by this section and shall attach to the return a copy of the return receipt.

Sec. 1012. Section 14, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.140 are each amended to read as follows:

(1) From and after the service of ~~((such))~~ a writ of garnishment, it shall not be lawful, except as provided in this chapter or as directed by the court, for the garnishee to pay any debt owing to the defendant at the time of such service, or to deliver, sell or transfer, or recognize any sale or transfer of, any personal property or effects belonging to the defendant in the garnishee's possession or under ~~((his))~~ the garnishee's control at the time of such service; and any such payment, delivery, sale or transfer shall be void and of no effect as to so much of said debt, personal property or effects ~~((shares, or interest))~~ as may be necessary to satisfy the plaintiff's demand ~~((PROVIDED, HOWEVER, That in case the garnishee is a bank, banking association, mutual savings bank or savings and loan association maintaining branch offices, service must be made as provided for in RCW 7.33.130, and shall only be effective to attach the~~

accounts, credits, or other personal property of the defendant in that particular branch upon which service is made and to which the writ is directed: PROVIDED, FURTHER, That);

(2) This section shall have no effect as to any portion of a debt (~~(which)~~) that is exempt from garnishment (~~(-AND PROVIDED, FURTHER, That)~~);

(3) The garnishee shall incur no liability for releasing funds or property in excess of the amount stated in the writ of garnishment (~~(where)~~) if the garnishee (~~(shall)~~) continues to hold an amount equal to the amount stated in the writ of garnishment.

Sec. 1013. Section 32, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.320 are each amended to read as follows:

~~(In any case where a writ of garnishment has issued, the party at whose instance the writ was issued shall)~~ (1) When a writ is issued under a judgment, on or before the date of service of the writ on the garnishee, the judgment creditor shall mail or (may) cause to be mailed to the judgment debtor, by certified mail, addressed to the last known post office of the judgment debtor, (a) a copy of the writ and a copy of the judgment((, if any, or the complaint, if brought before judgment, to the defendant or judgment debtor in said cause at his last known post office address;)) or, if it is a district court judgment, a copy of the judgment creditor's affidavit submitted in application for the writ, and (b) if the judgment debtor is an individual, the notice and claim form prescribed in section 1014 of this 1987 act. In the alternative, ((a copy of the writ shall be served upon the defendant or judgment debtor)) on or before the day of the service of the writ on the garnishee or within two days thereafter, the stated documents shall be served on the judgment debtor in the same manner as is required for personal service of summons upon a party to an action ((on or before the date of the service of said writ on the garnishee defendant or within two days thereafter)).

~~(This)~~ (2) The requirements of this section shall not be jurisdictional, but ~~(;) (a) no disbursement order or judgment against the garnishee defendant shall be entered unless there is on file the return of service or mailing required by subsection (3) of this section, and (b) if the ((copy is)) copies of the writ and judgment or affidavit, and the notice and claim form if the defendant is an individual, are not mailed or served as herein provided, or if any irregularity ((shall)) appears with respect to the mailing or service, the court, in its discretion, on motion of the ((defendant or)) judgment debtor promptly made and supported by affidavit showing that ((he)) the judgment debtor has suffered substantial injury ((th)) from the plaintiff's failure to mail or otherwise to serve such ((copy)) copies, may set aside the ((said)) garnishment and award to ((said defendant or)) the judgment debtor an amount equal to the damages suffered ((by plaintiff's)) because of such failure.~~

(3) If the service on the judgment debtor is made by a sheriff, the sheriff shall file with the clerk of the court that issued the writ a signed return showing the time, place, and manner of service and that the copy of the writ was accompanied by a copy of a judgment or affidavit, and by a notice and claim form if required by this section, and shall note thereon fees for making such service. If service is made by any person other than a sheriff, such person shall file a signed return including the same information and shall also attach to the return an affidavit showing qualifications to make such service. If service on the judgment debtor is made by mail, the person making the mailing shall file a signed return including the same information as required for return on service and, in addition, showing the address of the mailing and attaching the return receipt or the mailing should it be returned to the sender as undeliverable.

NEW SECTION. Sec. 1014. (1) The notice required by RCW 7.33.320(1) to be mailed to or served on an individual judgment debtor shall be in the following form, printed or typed in type no smaller than elite type:

#### NOTICE OF GARNISHMENT AND OF YOUR RIGHTS

A Writ of Garnishment issued by a Washington court has been or will be served on the garnishee named in the attached copy of the writ. After receipt of the writ, the garnishee is required to withhold payment of any money that was due to you and to withhold any other property of yours that the garnishee held or controlled. This notice of your rights is required by law.

#### YOU HAVE THE FOLLOWING EXEMPTION RIGHTS:

**WAGES.** If the garnishee is your employer who owes wages or other personal earnings to you, your employer is required to pay amounts to you that are exempt under state and federal laws, as explained in the writ of garnishment. You should receive a copy of your employer's answer, which will show how the exempt amount was calculated. If the garnishment is for child support, the exempt amount paid to you will be forty percent of wages due you, but if you are supporting a spouse or dependent child, you are entitled to claim an additional ten percent as exempt.

**BANK ACCOUNTS.** If the garnishee is a bank or other institution with which you have an account in which you have deposited benefits such as Aid to Families with Dependent Children (AFDC), Supplemental Security Income (SSI), Social Security, veterans' benefits, unemployment compensation, or a United States pension, you may claim the account as fully exempt if you have deposited only such benefit funds in the account. It may be partially exempt even though you have deposited money from other sources in the same account. An exemption is also available under RCW 26.16.200,

providing that funds in a community bank account that can be identified as the earnings of a stepparent are exempt from a garnishment on the child support obligation of the parent.

**OTHER EXEMPTIONS.** If the garnishee holds other property of yours, some or all of it may be exempt under RCW 6.16.020, a Washington statute that exempts up to five hundred dollars of property of your choice (including up to one hundred dollars in cash or in a bank account) and certain property such as household furnishings, tools of trade, and a motor vehicle (all limited by differing dollar values).

**HOW TO CLAIM EXEMPTIONS.** Fill out the enclosed claim form and mail or deliver it as described in instructions on the claim form. If the plaintiff does not object to your claim, the funds or other property that you have claimed as exempt must be released not later than 10 days after the plaintiff receives your claim form. If the plaintiff objects, the law requires a hearing not later than 14 days after the plaintiff receives your claim form, and notice of the objection and hearing date will be mailed to you at the address that you put on the claim form.

**THE LAW ALSO PROVIDES OTHER EXEMPTION RIGHTS. IF NECESSARY, AN ATTORNEY CAN ASSIST YOU TO ASSERT THESE AND OTHER RIGHTS, BUT YOU MUST ACT IMMEDIATELY TO AVOID LOSS OF RIGHTS BY DELAY.**

(2) The claim form required by RCW 7.33.320(1) to be mailed to or served on an individual judgment debtor shall be in the following form, printed or typed in type no smaller than elite type:

(Caption to be filled in by judgment creditor or plaintiff before mailing.)

\_\_\_\_\_  
Name of Court

\_\_\_\_\_  
Plaintiff,

\_\_\_\_\_  
No.

vs.

EXEMPTION CLAIM

\_\_\_\_\_  
Defendant.

\_\_\_\_\_  
Garnishee Defendant

**INSTRUCTIONS:**

1. Read this whole form after reading the enclosed notice. Then put an X in the box or boxes that describe your exemption claim or claims and write in the necessary information on the blank lines.
2. Make two copies of the completed form. Deliver the original form by first class mail or in person to the clerk of the court, whose address is shown at the bottom of the writ of garnishment. Deliver one of the copies by first class mail or in person to the plaintiff or plaintiff's attorney, whose name and address are shown at the bottom of the writ. Keep the other copy. **YOU SHOULD DO THIS AS QUICKLY AS POSSIBLE, BUT NO LATER THAN 28 DAYS (4 weeks) AFTER THE DATE ON THE WRIT.**

I/We claim the following money or property as exempt:

**IF BANK ACCOUNT IS GARNISHED:**

( ) The account contains payments from:

- ( ) AFDC, SSI, or other public assistance. I receive \$\_\_\_\_\_ monthly.
- ( ) Social Security. I receive \$\_\_\_\_\_ monthly.
- ( ) Veterans' Benefits. I receive \$\_\_\_\_\_ monthly.
- ( ) U.S. Government Pension. I receive \$\_\_\_\_\_ monthly.
- ( ) Unemployment Compensation. I receive \$\_\_\_\_\_ monthly.
- ( ) Child support. I receive \$\_\_\_\_\_ monthly.
- ( ) Other. Explain \_\_\_\_\_

**IF EXEMPTION IN BANK ACCOUNT IS CLAIMED, ANSWER ONE OR BOTH OF THE FOLLOWING:**

- ( ) No money other than from above payments are in the account.
- ( ) Moneys in addition to the above payments have been deposited in the account.  
Explain \_\_\_\_\_

**IF EARNINGS ARE GARNISHED FOR CHILD SUPPORT:**

- ( ) I claim maximum exemption.
- ( ) I am supporting another child or other children.
- ( ) I am supporting a husband or a wife.

**IF PENSION OR RETIREMENT BENEFITS ARE GARNISHED:**

( ) Name and address of employer who is paying the benefits: \_\_\_\_\_

**OTHER PROPERTY:**

( ) Describe property \_\_\_\_\_

(If you claim other personal property as exempt, you must attach a list of all other personal property that you own.)

Print: Your name	If married, name of husband/wife
Your signature	Signature of husband or wife
Address	Address (if different from yours)
Telephone number	Telephone number (if different from yours)

CAUTION: If the plaintiff objects to your claim, you will have to go to court and give proof of your claim. For example, if you claim that a bank account is exempt, you may have to show the judge your bank statements and papers that show the source of the money you deposited in the bank. Your claim may be granted more quickly if you attach copies of such proof to your claim.

IF THE JUDGE DENIES YOUR EXEMPTION CLAIM, YOU WILL HAVE TO PAY THE PLAINTIFF'S COSTS. IF THE JUDGE DECIDES THAT YOU DID NOT MAKE THE CLAIM IN GOOD FAITH, HE OR SHE MAY DECIDE THAT YOU MUST PAY THE PLAINTIFF'S ATTORNEY FEES.

Sec. 1015. Section 28, chapter 264, Laws of 1969 ex. sess. as last amended by section 6, chapter 193, Laws of 1981 and RCW 7.33.280 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, if the garnishee is an employer owing the defendant ((wages, salary, or other compensation for personal services)) earnings, then for each week of such ((wages, salary, or other compensation)) earnings, an amount shall be exempt from garnishment which is the greatest of the following:

- (a) ~~Forty times the state hourly minimum wage; or~~
- (b) ~~Seventy-five percent of the disposable earnings of the defendant; or~~
- (c) ~~Such amount as may be exempt under federal law.~~

(2) Such exemption)) Thirty times the federal minimum hourly wage prescribed by section 206(a)(1) of Title 29 of the United States Code in effect at the time the earnings are payable; or  
(b) Seventy-five percent of the disposable earnings of the defendant.

(2) In the case of a garnishment based on a judgment or other court order for child support, other than a mandatory wage assignment order, the exemption shall be fifty percent of the disposable earnings of the defendant if the individual is supporting a spouse or dependent child (other than a spouse or child on whose behalf the garnishment is brought), or forty percent of the disposable earnings of the defendant if the individual is not supporting such a spouse or dependent child.

(3) The exemptions stated in this section shall apply whether such earnings are paid, or are to be paid, weekly, monthly, or at other intervals, and whether ((there be)) earnings are due the defendant ((earnings)) for one week, a portion thereof, or for a longer period.

((3) The term "disposable earnings" means that part of the earnings of any individual remaining after the deduction from those earnings of any amount required by law to be withheld: PROVIDED, That amount deducted from an employee's compensation as contributions toward a participating pension or retirement program established pursuant to a collective bargaining agreement shall not be considered a part of disposable earnings.))

(4) Unless directed otherwise by the court, the garnishee shall determine and deduct ((the amount)) exempt amounts under this section as directed in the writ of garnishment and answer, and shall pay ((this)) these amounts to the defendant.

((4) The exemptions under this section shall not apply in the case of a garnishment for child support if (a) the garnishment is based on a judgment or other court order; (b) the amount stated on the writ does not exceed the amount of two months support payments; and (c) the following language is conspicuously added to the writ of garnishment: "This garnishment is based on a judgment or court order for child support. Hold all funds you owe the defendant up to the amount stated above without regard to any statutory exemption.")

(5) No money due or earned as earnings as defined in ((RCW 7.33.010(3))) section 1001 of this 1987 act shall be exempt from garnishment under the provisions of RCW 6.16.020, as now or hereafter amended.

**NEW SECTION.** Sec. 1016. (1) A defendant may claim exemptions from garnishment in the manner specified by the statute that creates the exemption or by delivering to or mailing by first class mail to the clerk of the court out of which the writ was issued a declaration in substantially the following form or in the form set forth in section 1014 of this act and mailing a copy of the form by first class mail to the plaintiff or plaintiff's attorney at the address shown on the writ of garnishment, all not later than twenty-eight days after the date stated on the writ.

(NAME OF COURT)

No. ....

Plaintiff

CLAIM OF EXEMPTION

Defendant

Garnishee

I/We claim the following described property or money as exempt from execution:
I/We believe the property is exempt because:

Print name, Signature, Address, Telephone number, Print name of spouse, if married, Signature, Address, Telephone number

(2) A plaintiff who wishes to object to an exemption claim must, not later than seven days after receipt of the claim, cause to be mailed to the defendant by first class mail, to the address shown on the exemption claim, a declaration by self, attorney, or agent, alleging the facts on which the objection is based, together with notice of date, time, and place of a hearing on the objection, which hearing the plaintiff must cause to be noted for a hearing date not later than fourteen days after the receipt of the claim. After a hearing on an objection to an exemption claim, the court shall award costs to the prevailing party and may also award an attorney's fee to the prevailing party if the court concludes that the exemption claim or the objection to the claim was not made in good faith.

(3) If the plaintiff elects not to object to the claim of exemption, the plaintiff shall, not later than ten days after receipt of the claim, obtain from the court and deliver to the garnishee an order directing the garnishee to release such part of the debt, property, or effects as is covered by the exemption claim. If the plaintiff fails to obtain and deliver the order as required or otherwise to effect release of the exempt funds or property, the defendant shall be entitled to recover fifty dollars from the plaintiff, in addition to actual damages suffered by the defendant from the failure to release the exempt property.

Sec. 1017. Section 16, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.160 are each amended to read as follows:

No employer shall discharge an employee for the reason that a creditor of the employee has subjected or attempted to subject unpaid earnings of the employee to a writ of ((wage)) garnishment directed to the employer: PROVIDED, HOWEVER, That this provision shall not apply if garnishments on three or more separate indebtednesses are served upon the employer within any period of twelve consecutive months.

Sec. 1018. Section 17, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.170 are each amended to read as follows:

If the defendant in the principal action causes a bond to be executed to the plaintiff with sufficient sureties, to be approved by the officer having the writ of garnishment, or after the return of said writ, by the clerk of the court out of which ((said)) the writ was issued, ((to the effect)) conditioned that ((he)) the defendant will perform the judgment of the court, the writ of garnishment shall, upon the filing of said bond with the clerk, be immediately discharged, and all proceedings ((had thereunder)) under the writ shall be vacated: PROVIDED, That the garnishee shall not be thereby deprived from recovering any costs in said proceeding, to which ((he)) the garnishee would otherwise be entitled under ((RCW 7.33.010 through 7.33.050 and 7.33.090 through 7.33.340)) this chapter. The bond shall be part of the record and, if judgment is against the defendant, it shall be entered against defendant and the sureties.

Sec. 1019. Section 15, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.150 are each amended to read as follows:

The answer of the garnishee shall be signed by ((him)) the garnishee or ((his)) attorney or if the garnishee is a corporation, by an officer, attorney or duly authorized agent of the garnishee, under penalty of perjury, and the original delivered, either personally or by mail, to the clerk of the ((superior)) court that issued the writ, one copy to the plaintiff or ((his)) the plaintiff's attorney, and one copy to the defendant. The answer shall be made on ((forms)) a form substantially as appears in this section, served on the garnishee with the writ, ((substantially as follows:)) with exempt amounts for relevant pay periods filled in by the plaintiff before service of the answer forms, except that, if the garnishment is for a continuing lien, the answer form shall be as prescribed in RCW 7.33.360.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON IN AND FOR THE COUNTY OF

.....  
Plaintiff  
vs.  
.....  
Defendant

NO. ....

ANSWER  
TO WRIT OF  
GARNISHMENT

Garnishee Defendant

At the time of service of the writ of garnishment on the garnishee there was due and owing from the garnishee to the above-named defendant \$ ..... (On the reverse side of this answer form, or on an attached page, give an explanation of the dollar amount stated, or give reasons why there is uncertainty about your answer.)

If the above amount or any part of it is for personal earnings (that is, compensation payable for personal services, whether called wages, salary, commission, bonus, or otherwise, and including periodic payments pursuant to a pension or retirement program); Garnishee has deducted from this amount \$ ..... which is the exemption to which the defendant is entitled(:

On the reverse side of this answer form, or on a schedule attached hereto, give the following information: (1) An explanation of the dollar amount stated, or reasons why there is uncertainty about your answer, if deemed necessary; (2)), leaving \$ ..... that garnishee holds under the writ. The exempt amount is calculated as follows:

Total compensation due defendant	\$ .....
<u>LESS deductions for social security and withholding taxes and any other deduction required by law</u>	\$ .....
<u>(list separately and identify)</u>	\$ .....
Disposable wages	\$ .....

If the title of this writ indicates that this is a garnishment under a child support judgment, enter forty percent of disposable wages: \$ ..... This amount is exempt and must be paid to the defendant at the regular pay time.

If this is not a garnishment for child support, enter seventy-five percent of disposable wages: \$ ..... From the listing in the following paragraph, choose the amount for the relevant pay period and enter that amount: \$ ..... (If amounts for more than one pay period are due, multiply the preceding amount by the number of pay periods and/or fraction of pay period for which amounts are due and enter that amount: \$ ..... ) The greater of the amounts entered in this paragraph is the exempt amount and must be paid to the defendant at the regular pay time.

Amounts for different pay periods: Weekly \$ .....; Biweekly \$ .....; Semi-monthly \$ .....; Monthly \$ .....

List all of the personal property or effects of defendant in the garnishee's possession or control when the writ was served. (Use the reverse side of this answer form or attach a schedule if necessary.)

An attorney may answer for the garnishee.

Under penalty of perjury, I affirm that I have examined this answer, including accompanying schedules, and to the best of my knowledge and belief it is true, correct, and complete.

Signature of  
Garnishee Defendant

Date

Signature of person  
answering for  
garnishee

Connection with  
garnishee

Address of Garnishee

Sec. 1020. Section 19, chapter 264, Laws of 1969 ex. sess. as amended by section 10, chapter 61, Laws of 1970 ex. sess. and RCW 7.33.190 are each amended to read as follows:

((Should)) If the garnishee fails to ((make)) answer ((to)) the writ within the time prescribed ((therein)) in the writ, ((it shall be lawful for the court, on or)) after the time to answer ((such)) the writ has expired((;)) and after required returns have been filed, showing service on the garnishee and service on or mailing to the defendant, it shall be lawful for the court to render judgment by default against such garnishee, in accordance with rules relating to entry of default judgments, for the full amount claimed by the plaintiff against the defendant, or in case the plaintiff has a judgment against the defendant, for the full amount of ((such)) the plaintiff's unpaid judgment against the defendant with all accruing interest and costs as prescribed in RCW 7.33.090: PROVIDED, That upon motion by the garnishee at any time prior to issuance of a writ of execution under such judgment, ((such)) the judgment against the garnishee shall be

reduced to the amount of any nonexempt funds or property which was actually in the possession of the garnishee at the time the writ was served, plus the cumulative amount of the non-exempt earnings subject to the lien provided for in RCW 7.33.370, or the sum of one hundred dollars, whichever is more, but in no event to exceed the full amount claimed by the plaintiff or the amount of the unpaid judgment against the principal defendant plus all accruing interest and costs and attorney's fees as prescribed in RCW 7.33.090, and in addition the plaintiff shall be entitled to a reasonable attorney's fee for the plaintiff's response to the garnishee's motion to reduce said judgment against the garnishee under this proviso and the court may allow additional attorney's fees for other actions taken because of the garnishee's failure to answer.

Sec. 1021. Section 24, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.240 are each amended to read as follows:

If the garnishee files an answer, either the plaintiff ((should)) or the defendant, if not ((be)) satisfied with the answer of the garnishee ((he)), may controvert within twenty days after the filing of the answer, by filing an affidavit in writing signed by ((him)) the controverting party or attorney or agent, stating that ((he)) the affiant has good reason to believe and does believe that the answer of the garnishee is incorrect, stating in what particulars ((he)) the affiant believes the same is incorrect. Copies of the affidavit shall be served on or mailed by first class mail to the garnishee at the address indicated on the answer or, if no address is indicated, at the address to or at which the writ was mailed or served, and to the other party, at the address shown on the writ if the defendant controverts, or at the address to or at which the copy of the writ of garnishment was mailed or served on the defendant if the plaintiff controverts, unless otherwise directed in writing by the defendant or defendant's attorney.

Sec. 1022. Section 26, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.260 are each amended to read as follows:

If the answer of the garnishee is controverted, as provided in RCW 7.33.240 ((and 7.33.250; an issue shall be formed, under the direction of the court, and tried as other cases; PROVIDED; HOWEVER)), the garnishee may respond by affidavit of the garnishee, the garnishee's attorney or agent, within twenty days of the filing of the controverting affidavit, with copies served on or mailed by first class mail to the plaintiff at the address shown on the writ and to the defendant as provided in RCW 7.33.240. Upon the expiration of the time for garnishee's response, the matter may be noted by any party for hearing before a commissioner or presiding judge for a determination whether an issue is presented that requires a trial. If a trial is required, it shall be noted as in other cases, but no pleadings shall be necessary on such issue other than the affidavit of the plaintiff, the answer of the garnishee and the reply of the plaintiff or defendant controverting such answer, unless otherwise ordered by the court.

Sec. 1023. Section 29, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.290 are each amended to read as follows:

Where the answer is controverted, the costs of the proceeding, including a reasonable compensation for attorney's fees, shall ((abide the issue of such contest)) be awarded to the prevailing party; PROVIDED, That no costs or attorney's fees in such contest shall be taxable to the defendant in the event of a controversion ((on the part of)) by the plaintiff.

Sec. 1024. Section 18, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.180 are each amended to read as follows:

((Should)) If it appears from the answer of the garnishee that ((he)) the garnishee was not indebted to the defendant when the writ of garnishment was served ((on him)), and that ((he had)) the garnishee did not ((in his)) have possession or ((under his)) control of any personal property or effects of the defendant, and ((should)) if an affidavit controverting the answer of the garnishee is not ((be controverted)) filed within twenty days of the filing of the answer, as ((hereinafter)) provided in this chapter, the garnishee shall stand discharged without further action by the court or the garnishee and shall have no further liability.

Sec. 1025. Section 20, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.200 are each amended to read as follows:

((Should)) (1) If it appears from the answer of the garnishee or ((should)) if it ((be)) is otherwise made to appear((--as hereinafter provided--)) that the garnishee was indebted to the defendant in any amount, not exempt, when the writ of garnishment was served, and if the required return showing service on or mailing to the defendant is on file, the court shall render judgment for the plaintiff against such garnishee for the amount so admitted or found to be due to the defendant from the garnishee, unless such amount ((shall)) exceeds the amount of the plaintiff's claim or ((demand)) judgment against the defendant with accruing interest and costs and attorney's fees as prescribed in RCW 7.33.090, in which case it shall be for the amount of such claim or ((demand)) judgment, with said interest ((and)) costs((--PROVIDED; HOWEVER)), and fees.

(2) If it shall appear from the answer of the garnishee and the same is not controverted, or if it shall appear from the hearing or trial ((hereinafter provided for--)) on controversion or by stipulation of the parties that the garnishee is indebted to the principal defendant in any sum, but that such indebtedness is not matured and is not due and payable, and if the required return showing service on or mailing to the defendant is on file, the court shall make an order requiring the garnishee to pay such sum into court when the same becomes due, the date

when such payment is to be made to be specified in ~~((said))~~ the order, and in default thereof that judgment shall be entered against the garnishee for the amount of such indebtedness so admitted or found due. In case the garnishee ~~((shall pay said))~~ pays the sum at the time specified in ~~((said))~~ the order, ~~((said))~~ the payment shall operate as a discharge, otherwise judgment shall be entered against ~~((him))~~ the garnishee for the amount of such indebtedness, which judgment shall have the same force and effect, and be enforced in ~~((like))~~ the same manner as other judgments entered against garnishees as provided ~~((for))~~ in ~~((RCW 7.33.010 through 7.33.050, and 7.33.090 through 7.33.340))~~ this chapter: PROVIDED (FURTHER), That if judgment ~~((shall be))~~ is rendered in favor of the principal defendant, or if any judgment rendered against ~~((him be))~~ the principal defendant is satisfied prior to the date of payment specified in ~~((said))~~ an order of payment entered under this subsection, the garnishee shall not be required to make the payment ~~((hereinbefore provided for))~~, nor shall any judgment in such case be entered against ~~((him))~~ the garnishee.

Sec. 1026. Section 21, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.210 are each amended to read as follows:

Execution may be issued on the judgment against the garnishee ~~((herein provided for))~~ in ~~((like))~~ the same manner as upon any other judgment. The amount made upon any such execution shall be paid by the officer executing ~~((the same))~~ it to the clerk of the ~~((superior))~~ superior court from which ~~((such))~~ the execution was issued; and, in cases where judgment has been rendered against the defendant, the amount made on the execution shall be applied to the satisfaction of the judgment, interest and costs against the defendant. In case judgment has not been rendered against the defendant at the time execution issued against the garnishee is returned, any amount made on ~~((said))~~ the execution shall be paid to the clerk of the court from which ~~((such))~~ the execution issued, who shall retain the same until judgment ~~((be))~~ is rendered in the action between the plaintiff and defendant. In case judgment ~~((be))~~ is rendered ~~((therein))~~ in favor of the plaintiff, the amount made on the execution against the garnishee shall be applied to the satisfaction of such judgment and the surplus, if any ~~((there be))~~, shall be paid to the defendant. In case judgment ~~((be))~~ is rendered ~~((in such action))~~ in favor of the defendant, the amount made on ~~((said))~~ the execution against the garnishee shall be paid to the defendant.

Sec. 1027. Section 22, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.220 are each amended to read as follows:

~~((Should))~~ If it appears from the garnishee's answer or otherwise that the garnishee had ~~((in his))~~ possession or (under his) control, when the writ was served, of any personal property or effects of the defendant liable to execution, and if the required return showing service on or mailing to the defendant is on file, the court shall render a decree requiring the garnishee to deliver up to the sheriff on demand, and after making arrangements with the sheriff as to time and place of delivery, such personal property or effects or so much of them as may be necessary to satisfy the plaintiff's claim. ~~((in cases where))~~ If a judgment has been rendered in favor of the plaintiff against the defendant, such personal property or effects may be sold in ~~((like))~~ the same manner as any other property is sold upon an execution issued on said judgment. ~~((in cases where))~~ If judgment has not been rendered in the principal action, the sheriff shall retain ~~((said))~~ possession of the personal property or effects ((in his possession)) until the rendition of judgment therein, and ~~((in case))~~ if judgment is thereafter rendered in ~~((said principal action in))~~ favor of the plaintiff, said ((goods) personal property or effects, or sufficient of them to satisfy such judgment, may be sold in ((like)) the same manner as other property is sold on execution, by virtue of an execution ((issuing)) issued on ((said)) the judgment in the principal action. ((in case)) If judgment ((shall be)) is rendered in ((said)) the action against the plaintiff and in favor of the defendant, such effects and personal property shall be ((by the sheriff)) returned to the defendant by the sheriff: PROVIDED, HOWEVER, That ((in cases where)) if such effects or personal property are of a perishable nature, or the interests of the parties will be subserved by making a sale thereof before judgment, the court may order a sale thereof by the sheriff in ((like)) the same manner as sales upon execution are made, and the proceeds of such sale shall be paid to the clerk of the ((superior)) court that issued the writ, and ((like)) the same disposition shall be made of ((such)) the proceeds at the termination of the action as would have been made of ((such)) the personal property or effects under the provisions of this section in case ((such)) the sale had not been made.

Sec. 1028. Section 23, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.230 are each amended to read as follows:

~~((Should))~~ If the garnishee, adjudged to have effects or personal property of the defendant in ~~((his))~~ possession or under ((his)) control as provided in RCW 7.33.220, fails or refuses to deliver them to the sheriff on such demand, the officer shall immediately make return of such failure or refusal, whereupon, on motion of the plaintiff, the garnishee shall be cited to show cause why he or she should not be ((attached for)) found in contempt of court for such failure or refusal, and should the garnishee fail to show some good and sufficient excuse for such failure and refusal, he or she shall be fined for such contempt and imprisoned until he or she shall deliver such personal property or effects.

Sec. 1029. Section 33, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.330 are each amended to read as follows:

~~((Where)) (1) If the garnishee in ((his)) the answer states that ((he)) the garnishee at the time of the service of the writ was indebted to or had possession or control of personal property or effects ((in his possession or under his control at the time of the service of the writ of garnishment upon him)) belonging to a person ((of the same or similar)) with a name the same as or similar to the name ((to)) of the defendant, and stating the place of business or residence of said person, and that ((he)) the garnishee does not know whether or not such person is the same person as the defendant, and prays the court to determine whether or not the person ((to whom he was indebted or whose personal property or effects he had in his possession)) is the same person as the defendant, the court, before rendering judgment against the garnishee defendant as hereinbefore provided, shall conduct a hearing to take proof as to the identity of said persons~~((and if he should find therefrom that they are not one and the same individual, the garnishee shall be discharged and shall have and recover his costs against the plaintiff, and if he should find that said persons are one and the same individuals, he shall make a similar judgment as to the payment of the money or the delivery of personal property and effects and as to costs of the garnishee as is hereinbefore provided, where the garnishee is held upon his answer)).~~~~

~~(2) Before ((any such)) the hearing on the question of identity ((is had)), the plaintiff shall cause the court to issue a citation directed to the person ((to whom the garnishee answers he was indebted or whose personal property or effects the garnishee has answered he had in his possession or under his control)) identified in the garnishee's answer, commanding ((him)) that person to appear before the court from which ((it)) the citation is issued within ten days after the service of the same ((upon him)), and to answer on oath whether or not he or she is the same person as the defendant in said action. ((Said)) The citation shall be dated and attested in ((like)) the same manner as a writ of garnishment and be delivered to the plaintiff or ((his)) the plaintiff's attorney and shall be served in the same manner as a summons in ((an)) a civil action is served.~~

~~(3) If the court finds after hearing that the persons are not the same, the garnishee shall be discharged and shall recover costs against the plaintiff. If the court finds that the persons are the same, it shall make the same kind of judgment as in other cases in which the garnishee is held upon the garnishee's answer, including provision for garnishee's costs.~~

~~(4) If ((upon)) the court finds after the hearing ((in this section provided for, the court shall find)) that the defendant or judgment debtor is the same person as the person ((to whom the garnishee defendant was indebted, or whose personal property or effects said garnishee defendant had in possession or under control)) identified in the garnishee's answer, it shall be sufficient answer to any claim of said person against the garnishee founded on any indebtedness of ((such)) the garnishee or on the possession or control by ((said person)) the garnishee of any personal property or effects for the garnishee to show that ((such)) the indebtedness was paid or ((such)) the personal property or effects were delivered under the judgment of the court in accordance with the provisions in this chapter.~~

Sec. 1030. Section 30, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.300 are each amended to read as follows:

It shall be a sufficient answer to any claim of the defendant against the garnishee founded on any indebtedness of ((such)) the garnishee or on the possession ((by him)) or control by the garnishee of any personal property or effects, for the garnishee to show that such indebtedness was paid or such personal property or effects were delivered~~((or such shares of stock or other interest in such corporation were sold)) under the judgment of the court in accordance with ((the provisions of RCW 7.33.010 through 7.33.050, and 7.33.090 through 7.33.340)) this chapter.~~

Sec. 1031. Section 27, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.270 are each amended to read as follows:

In all cases where it shall appear from the answer of the garnishee that ((he)) the garnishee was indebted to the defendant when the writ of garnishment was served ((and)), no controversy is pending, there has been no discharge or judgment against the garnishee entered, and one year ((shall have)) has passed since the filing of the answer of the garnishee, the court, after ten days' notice in writing to the plaintiff, shall enter an order dismissing the writ of garnishment and discharging the garnishee: PROVIDED, That this provision shall have no effect ((when)) if the cause of action between plaintiff and defendant ((shall be)) is pending on the trial calendar, or ((upon the filing of)) if any party files an affidavit ((by any party)) that the action is still pending.

Sec. 1032. Section 5, chapter 61, Laws of 1970 ex. sess. and RCW 7.33.350 are each amended to read as follows:

A ((plaintiff or a)) judgment creditor may obtain a continuing lien on ((wages)) earnings by a garnishment pursuant to RCW 7.33.360 ((through)), 7.33.370, 7.33.380, and 7.33.390.

Sec. 1033. Section 6, chapter 61, Laws of 1970 ex. sess. and RCW 7.33.360 are each amended to read as follows:

(1) Service of ((the)) a writ for a continuing lien shall comply fully with RCW 7.33.130 ((and: in addition (1) plaintiff shall mark the caption of the writ "continuing lien"; and (2) all answer forms served on employer shall be substantially as follows:

(1) Where garnishee is an employer:

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON IN AND FOR THE COUNTY OF

..... Plaintiff, vs. ..... Defendant. ..... Garnishee.	NO. ....  ANSWER TO WRIT OF GARNISHMENT (EMPLOYER FORM)
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At the time of service of the writ of garnishment on the garnishee there was due and owing from the garnishee to the above-named defendant \$..... for the last pay period. Garnishee has deducted from this amount \$..... which is the exemption to which the defendant is entitled:

On the reverse side of this answer form, or on a schedule attached hereto, give the following information: (1) An explanation of the dollar amount stated, or reasons why there is uncertainty about your answer, if deemed necessary; (2) List all of the personal property or effects or funds, other than wages, of defendant in the garnishee's possession or control when the writ was served. GARNISHEE WILL CONTINUE TO HOLD THE NONEXEMPT PORTION OF THE DEFENDANT'S EARNINGS AS THEY ACCRUE THROUGH THE LAST PAYROLL PERIOD ENDING ON OR BEFORE THIRTY DAYS FROM THE EFFECTIVE DATE OF THE WRIT (DATE OF SERVICE OR DATE PREVIOUSLY SERVED WRIT OR WRITS TERMINATES), OR UNTIL THE SUM HELD EQUALS THE AMOUNT STATED IN THE WRIT OF GARNISHMENT OR UNTIL THE EMPLOYMENT RELATIONSHIP TERMINATES WHICHEVER SHALL COME FIRST.

Garnishee (is) (is not) presently holding the nonexempt portion of defendant's wages, salary or other compensations under a previous writ which will terminate not later than ..... 19..... An attorney may answer for the garnishee.

Under penalty or (of) perjury, I affirm that I have examined this answer, including accompanying schedules, and to the best of my knowledge and belief it is true, correct, and complete.

Signature of ..... Date  
Garnishee

Signature of person ..... Connection with  
answering for ..... garnishee  
(garnishee)).

(2) The caption of the writ shall be marked "CONTINUING LIEN ON EARNINGS" and the following additional paragraph shall be included in the writ form prescribed in RCW 7.33.110:

"THIS IS A WRIT FOR A CONTINUING LIEN. THE GARNISHEE SHALL HOLD the nonexempt portion of the defendant's earnings due at the time of service of this writ and shall also hold the defendant's nonexempt earnings that accrue through the last payroll period ending on or before SIXTY days after the date of service of this writ. HOWEVER, IF THE GARNISHEE IS PRESENTLY HOLDING THE NONEXEMPT PORTION OF THE DEFENDANT'S EARNINGS UNDER A PREVIOUSLY SERVED WRIT FOR A CONTINUING LIEN, THE GARNISHEE SHALL HOLD UNDER THIS WRIT only the defendant's nonexempt earnings that accrue from the date the previously served writ or writs terminate and through the last payroll period ending on or before sixty days after the date of termination of the previous writ or writs. IN EITHER CASE, THE GARNISHEE SHALL STOP WITHHOLDING WHEN THE SUM WITHHELD EQUALS THE AMOUNT STATED IN THIS WRIT OF GARNISHMENT."

(3) The answer forms served on an employer shall include in the caption, "ANSWER TO WRIT OF GARNISHMENT FOR CONTINUING LIEN ON EARNINGS," and the following paragraph shall be added as the first paragraph of the answer form prescribed in RCW 7.33.150:

"If you are withholding the defendant's nonexempt wages under a previously served writ for a continuing lien, answer only this portion of this form and mail or deliver the forms as directed in the writ. Withhold from the defendant's future nonexempt earnings as directed in the writ, and a second set of answer forms will be forwarded to you later.

ANSWER: I am presently holding the defendant's nonexempt earnings under a previous writ served on ..... that will terminate not later than ..... 19.....

If you are NOT withholding the defendant's earnings under a previously served writ for a continuing lien, answer the following portion of this form and mail or deliver the forms as directed in the writ. A second set of answer forms will be forwarded to you later for subsequently withheld earnings."

(4) In the event plaintiff fails to comply with this section, employer may elect to treat the garnishment as one not creating a continuing lien.

Sec. 1034. Section 7, chapter 61, Laws of 1970 ex. sess. and RCW 7.33.370 are each amended to read as follows:

(1) ~~(In the case of a garnishment of earnings;)~~ Where the garnishee's answer to a garnishment for a continuing lien reflects that the defendant is employed by ~~((him))~~ the garnishee, the judgment or balance due thereon as reflected on the writ of garnishment~~(:)~~ shall become a lien on earnings due at the time of ~~((service of))~~ the effective date of the writ, as defined in this subsection, to the extent that they are not exempt from garnishment, and such lien shall continue as to subsequent nonexempt earnings until the total subject to the lien equals the amount stated on the writ of garnishment or until the expiration of the employer's payroll period ending ~~((immediately prior to thirty))~~ on or before sixty days after the effective date of the writ ~~((as hereafter defined))~~, whichever occurs first, except that such lien on subsequent earnings shall terminate sooner if the employment relationship is terminated ~~((or))~~ or if the underlying judgment is vacated, modified, or satisfied in full or if the writ is dismissed. The "effective date" of a writ is the date of service of the writ if there is no previously served writ; otherwise, it is the date of termination of a previously served writ or writs.

(2) At the time of the expected termination of the lien, the plaintiff shall mail to the garnishee cash or a check made payable to the garnishee in the amount of ten dollars, three additional stamped envelopes addressed as provided in RCW 7.33.130, and four additional copies of the answer form ((and three additional stamped envelopes addressed as provided in RCW 7.33.130)) conspicuously marked at the top: "ANSWER THE SECOND PART OF THIS FORM WITH RESPECT TO THE TOTAL AMOUNT OF WAGES WITHHELD UNDER THIS GARNISHMENT, INCLUDING THE AMOUNT, IF ANY, STATED IN YOUR FIRST ANSWER, AND WITHIN TWENTY DAYS AFTER YOU RECEIVE THESE FORMS, MAIL OR DELIVER THEM AS DIRECTED IN THE WRIT."

(3) Within twenty days of receipt of the second answer form the garnishee shall file a second answer, in the form as provided in ~~((RCW 7.33.360))~~ subsection (2) of this section, stating the total amount held subject to the garnishment.

Sec. 1035. Section 8, chapter 61, Laws of 1970 ex. sess. and RCW 7.33.380 are each amended to read as follows:

A lien obtained under RCW 7.33.370 shall have priority over any subsequent garnishment lien or wage assignment ~~((Any writ of garnishment served upon an employer pursuant to RCW 7.33.360 while a lien imposed by a previous writ is still in effect, shall be answered by employer with a statement that he is holding no funds and with a further statement stating when all previous liens are expected to terminate. Such subsequent writ shall have full effect for thirty days from the termination of all prior liens, or until this is otherwise terminated under RCW 7.33.370-PROVIDED;))~~ except that ~~((a subsequent))~~ service of a writ shall not be effective to create a continuing lien with such priority if a writ in the same ~~((cause of action))~~ case is pending at the time of the service of ~~((garnishment))~~ the new writ.

#### PART XI

#### MISCELLANEOUS PROVISIONS

Sec. 1101. Section 121, chapter 299, Laws of 1961 as amended by section 701, chapter 258, Laws of 1984 and RCW 3.66.100 are each amended to read as follows:

(1) Every district judge having authority to hear a particular case may issue criminal process in and to any place in the state.

(2) Notwithstanding any provision in the ~~((justice court))~~ civil rules to the contrary, every district judge having authority to hear a particular case may issue civil process, including writs of execution, attachment, garnishment, and replevin, in and to any place in the state.

Sec. 1102. Section 23, page 337, Laws of 1873 as last amended by section 11, chapter 292, Laws of 1971 ex. sess. and RCW 12.04.050 are each amended to read as follows:

All process issued by ~~((justices of the peace shall run in the name of the state of Washington, be dated the day issued and signed by the justice granting the same;))~~ district court judges of the state and all executions and writs of attachment or of replevin shall be served by ~~((the sheriff or some constable of the county in which the justice resides;))~~ a sheriff or a deputy, but a summons or notice and complaint may be served by any citizen of the state of Washington over the age of eighteen years and not a party to the action.

Sec. 1103. Section 1, chapter 60, Laws of 1929 as last amended by section 5, chapter 45, Laws of 1983 1st ex. sess. and RCW 4.56.190 are each amended to read as follows:

The real estate of any judgment debtor, and such as ~~((he))~~ the judgment debtor may acquire, not exempt by law, shall be held and bound to satisfy any judgment of the district court of the United States rendered in this state~~(:)~~ and any judgment of the supreme court, court of appeals, ~~((or))~~ superior court, or district court of this state~~((and any judgment of any justice of the peace rendered in this state;))~~, and every such judgment shall be a lien thereupon to commence as ~~((hereinafter))~~ provided in RCW 4.56.200 and to run for a period of not to exceed ten years from the day on which such judgment was ~~((rendered))~~ entered. As used in this chapter, real estate shall not include the vendor's interest under a real estate contract for judgments rendered after August 23, 1983. If a judgment debtor owns real estate, subject to execution, jointly or in common with any other person, the judgment shall be a lien on the interest of the defendant only.

Personal property of the judgment debtor shall be held only from the time it is actually levied upon.

**NEW SECTION.** Sec. 1104. The amendment of RCW 4.56.190 by this act applies only to judgments entered after the effective date of this act.

Sec. 1105. Section 234, page 173, Laws of 1854 as last amended by section 1, chapter 34, Laws of 1967 ex. sess. and RCW 4.64.060 are each amended to read as follows:

Every county clerk shall keep in ~~(his)~~ the clerk's office a record, to be called the execution docket, which shall be a public record and open during the usual business hours to all persons desirous of inspecting it.

Sec. 1106. Section 5, chapter 60, Laws of 1929 as amended by section 1, chapter 22, Laws of 1935 and RCW 4.64.070 are each amended to read as follows:

~~(It shall be the duty of the county)~~ The clerk ~~((to))~~ shall keep a proper record index to the execution docket, both direct and inverse, of ~~((any and))~~ all judgments, abstracts and transcripts of judgments in ~~((his))~~ the clerk's office ~~((and all renewals thereof, and such)).~~ The index shall refer to each party against whom the judgment is rendered or whose property is affected ~~((thereby))~~ by it, and shall, together with the ~~((records of judgments))~~ execution docket, be open to public inspection during regular office hours.

Sec. 1107. Section 307, page 75, Laws of 1869 as last amended by section 6, chapter 128, Laws of 1984 and RCW 4.64.030 are each amended to read as follows:

~~((All judgments shall be entered by))~~ The clerk shall enter all judgments in the execution docket, subject to the direction of the court ~~((in the execution docket))~~ and shall specify clearly the amount to be recovered, the relief granted, or other determination of the action.

~~((At the end))~~ On the first page of each judgment which provides for the payment of money, the following shall be succinctly summarized: The judgment creditor and the name of his or her attorney, the judgment debtor, the amount of the judgment, the interest owed to the date of the judgment, and the total of the taxable costs and attorney fees, if known at the time of the entry of the judgment. If the attorney fees and costs are not included in the judgment, they shall be summarized in the cost bill when filed. This information is included in the judgment to assist the county clerk in his or her record-keeping function.

Sec. 1108. Section 237, page 174, Laws of 1854 as last amended by section 6, chapter 7, Laws of 1957 and RCW 4.64.080 are each amended to read as follows:

~~((He))~~ When entering a judgment in the execution docket, the clerk shall leave space on the same page, if practicable, ~~((with each case))~~ in which ~~((he))~~ the clerk shall enter, in the order in which they occur, all the proceedings subsequent to the judgment in ~~((said))~~ the case until its final satisfaction, including ~~((the time))~~ when and to what county ~~((the))~~ an execution is issued, ~~((and))~~ when returned, and the return or the substance thereof. When the execution is levied on personal property which is returned unsold, the entry shall be: "levied (noting the date) on property not sold." When any sheriff shall furnish the clerk with a copy of any levy upon real estate on any judgment the minutes of which are entered in ~~((his))~~ the execution docket, the entry shall be: "levied upon real estate," noting the date. When any execution issued to any other county is returned levied upon real estate in such county, the entry in the docket shall be, "levied on real estate of . . . . . in . . . . . county," noting the date, county, and defendants whose estate is levied upon ~~((and)).~~ When ~~((the))~~ any money is paid, ~~((or any part thereof))~~ the amount and time when paid shall be entered ~~((also)).~~ When a judgment is appealed, modified, discharged, or in any manner satisfied, the facts in respect thereto shall be entered. The parties interested may also assign or discharge such judgment on such execution docket. When the judgment is fully satisfied in any way, the clerk shall write the word "satisfied," in large letters across the face of the ~~((entry))~~ record of such judgment in the execution docket.

Sec. 1109. Section 2, chapter 65, Laws of 1921 as amended by section 1, chapter 176, Laws of 1927 and RCW 4.64.020 are each amended to read as follows:

(1) The clerk on the return of a verdict shall forthwith enter ~~((the same))~~ it in the execution docket, specifying the amount ~~((thereof, and)),~~ the names of the parties to the action, and the names of the party or parties against whom the verdict is rendered; such entry shall be indexed in the record index and shall conform as near as may be to entries of judgments required to be made in ~~((such))~~ the execution docket.

(2) Beginning at eight o'clock a.m. the day after the entry of ~~((such))~~ a verdict as herein provided, ~~((the same))~~ it shall be notice to all the world of the rendition thereof, and any person subsequently acquiring title to or a lien upon the real property of the party or parties against whom the verdict is returned shall be deemed to have acquired such title or lien with notice, and such title or lien shall be subject and inferior to any judgment afterwards entered on the verdict.

Sec. 1110. Section 3, chapter 65, Laws of 1921 as amended by section 5, chapter 76, Laws of 1984 and RCW 4.64.100 are each amended to read as follows:

The clerk shall, on request and at the expense of the party in whose favor the verdict is rendered, or ~~((his))~~ the party's attorney, prepare an abstract of such verdict in substantially the same form as an abstract of a judgment and transmit such abstract to the clerk of any court in any county in the state as directed, and shall make a note on the execution docket of the name of the county to which each of such abstracts is sent. The clerk receiving such abstract shall, on

payment of ~~((a fee of fifty cents therefor))~~ the statutory fee, enter and index ~~((the same))~~ it in the execution docket in the same manner as an abstract of judgment. ~~((Or))~~ The entry ~~((thereof the same))~~ shall have the same effect in such county as in the county where the verdict was rendered.

Whenever the verdict, or any judgment rendered thereon, shall cease to be a lien in the county where rendered, the clerk of the court shall on request of anyone, and the payment of the cost and expense thereof, certify that the lien ~~((thereof))~~ has ceased, and transmit such certificate to the clerk of any court to which an abstract was forwarded, and ~~((such))~~ the clerk receiving the certificate, on payment of ~~((a fee of fifty cents therefor))~~ the statutory fee, shall enter ~~((the same))~~ it in the execution docket, and then ~~((and thereupon))~~ the lien of such verdict or judgment shall cease. Nothing in this section or RCW 4.64.020 shall be construed as authorizing the issuance of an execution by a clerk in any other county than that in which the judgment is rendered.

Sec. 1111. Section 4, chapter 60, Laws of 1929 and RCW 4.64.120 are each amended to read as follows:

It shall be the duty of the county clerk to enter in ~~((his))~~ the execution docket any duly certified transcript of a judgment of a ~~((justice of the peace))~~ district court of this state and any duly certified abstract of any judgment of any court mentioned in RCW 4.56.200, filed in ~~((his))~~ the county clerk's office, and to index the same in the same manner as judgments originally rendered in the superior court for the county of which he or she is clerk.

Sec. 1112. Section 9, chapter 7, Laws of 1957 and RCW 4.64.110 are each amended to read as follows:

A transcript of the district court docket ~~((of a justice of the peace))~~ shall contain an exact copy of the district court judgment from the ~~((justice's))~~ docket.

Sec. 1113. Section 8, chapter 7, Laws of 1957 and RCW 4.64.090 are each amended to read as follows:

The abstract of a judgment shall contain (1) the name of the party, or parties, in whose favor the judgment was rendered; (2) the name of the party, or parties, against whom the judgment was rendered; (3) the date of the rendition of the judgment; (4) the amount for which the judgment was rendered, and in the following manner, viz: Principal \$ . . . . ; interest \$ . . . . ; costs \$ . . . . ; total \$ . . . . .

**NEW SECTION.** Sec. 1114. A new section is added to chapter 6.32 RCW to read as follows:

If it appears from the examination or testimony taken in the special proceedings authorized by this chapter that the judgment debtor owns an interest in a partnership, the judge who granted the order or warrant or to whom it is returnable may in his or her discretion, upon such notice to other partners as the judge deems just, and to the extent permitted by Title 25 RCW, (1) enter an order charging the partnership interest with payment of the judgment, directing that all or any part of distributions or other amounts becoming due to the judgment debtor, other than earnings as defined in section 1001 of this act, be paid to a receiver if one has been appointed, otherwise to the clerk of the court that entered the judgment, for application to payment of the judgment in the same manner as proceeds from sale on execution and, in aid of the charging order, the court may make such other orders as a case requires, or (2) enter an order directing sale of the partnership interest in the same manner as personal property is sold on execution.

Sec. 1115. Section 25, chapter 133, Laws of 1893 and RCW 6.32.250 are each amended to read as follows:

This chapter does not authorize the seizure of, or other interference with, (1) any property which is expressly exempt by law from levy and sale by virtue of an execution, attachment, or garnishment; or (2) any money, thing in action or other property held in trust for a judgment debtor where the trust has been created by, or the fund so held in trust has proceeded from, a person other than the judgment debtor; or (3) the earnings of the judgment debtor for ~~((his))~~ personal services ~~((rendered within sixty days next before the institution of the special proceeding, where it is made to appear by his oath or otherwise that those earnings are necessary for the use of a family wholly or partly supported by his labor))~~ to the extent they would be exempt against garnishment of the employer under RCW 7.33.280.

Sec. 1116. Section 11.52.010, chapter 145, Laws of 1965 as last amended by section 17, chapter 260, Laws of 1984 and RCW 11.52.010 are each amended to read as follows:

If it is made to appear to the satisfaction of the court that no homestead has been claimed in the manner provided by law, either prior or subsequent to the death of the person whose estate is being administered, then the court, after hearing and upon being satisfied that the funeral expenses, expenses of last sickness and of administration have been paid or provided for, and upon petition for that purpose, shall award and set off to the surviving spouse, if any, property of the estate, either community or separate, not exceeding the value of ~~((twenty-five))~~ thirty thousand dollars at the time of death, exclusive of general taxes and special assessments which were liens at the time of the death of the deceased spouse, exclusive of the unpaid balance of any contract to purchase, mortgage, or mechanic's, laborer's or materialmen's liens upon the property so set off, exclusive of debts arising out of a lawful court order or decree or administrative order establishing a child support obligation or obligation to pay spousal maintenance and exclusive of funeral expenses, expenses of last sickness and administration, which

expenses may be deducted from the gross value in determining the value to be set off to the surviving spouse; provided that the court shall have no jurisdiction to make such award unless the petition therefor is filed with the clerk within six years from the date of the death of the person whose estate is being administered.

Sec. 1117. Section 410, page 207, Laws of 1854 as last amended by section 1, chapter 125, Laws of 1935 and RCW 61.12.060 are each amended to read as follows:

In rendering judgment of foreclosure, the court shall order the mortgaged premises, or so much thereof as may be necessary, to be sold to satisfy the mortgage and costs of the action. The payment of the mortgage debt, with interest and costs, at any time before sale, shall satisfy the judgment. ~~((The court, in ordering the sale, may in its discretion, take judicial notice of economic conditions, and after a proper hearing, fix a minimum or upset price to which the mortgaged premises must be bid or sold before confirmation of the sale:))~~

~~If the property that is to be sold is subject to a homestead exemption under chapter 6.12 RCW, the court may, upon application for the confirmation of a sale, ((if it has not theretofore fixed an upset price:)) conduct a hearing, establish the value of the property, and, as a condition to confirmation, require that the fair value of the property be credited upon the foreclosure judgment. ((If an upset price has been established, the plaintiff may be required to credit this amount upon the judgment as a condition to confirmation:))~~ If the fair value as found by the court, when applied to the mortgage debt, discharges it, no deficiency judgment shall be granted.

Sec. 1118. Section 35A.20.150, chapter 119, Laws of 1967 ex. sess. as amended by section 58, chapter 3, Laws of 1983 and RCW 35A.21.195 are each amended to read as follows:

A code city may exercise the power to bring an action or special proceeding at law as authorized by Title 4 RCW, chapters 7.24, 7.25, and 7.33 RCW ~~(sections 1001 through 1035 of this 1987 act)~~, and shall be subject to actions and process of law in accordance with procedures prescribed by law and rules of court.

Sec. 1119. Section 4, chapter 85, Laws of 1977 ex. sess. as last amended by section 403, chapter 305, Laws of 1986 and RCW 51.24.060 are each amended to read as follows:

(1) If the injured worker or beneficiary elects to seek damages from the third person, any recovery made shall be distributed as follows:

(a) The costs and reasonable attorneys' fees shall be paid proportionately by the injured worker or beneficiary and the department and/or self-insurer;

(b) The injured worker or beneficiary shall be paid twenty-five percent of the balance of the award: PROVIDED, That in the event of a compromise and settlement by the parties, the injured worker or beneficiary may agree to a sum less than twenty-five percent;

(c) The department and/or self-insurer shall be paid the balance of the recovery made, but only to the extent necessary to reimburse the department and/or self-insurer for compensation and benefits paid;

(1) The department and/or self-insurer shall bear its proportionate share of the costs and reasonable attorneys' fees incurred by the worker or beneficiary to the extent of the benefits paid or payable under this title: PROVIDED, That the department or self-insurer may require court approval of costs and attorneys' fees or may petition a court for determination of the reasonableness of costs and attorneys' fees.

(1) The sum representing the department's and/or self-insurer's proportionate share shall not be subject to subsection (1) (d) and (e) of this section.

(d) Any remaining balance shall be paid to the injured worker or beneficiary;

(e) Thereafter no payment shall be made to or on behalf of a worker or beneficiary by the department and/or self-insurer for such injury until the amount of any further compensation and benefits shall equal any such remaining balance. Thereafter, such benefits shall be paid by the department and/or self-insurer to or on behalf of the worker or beneficiary as though no recovery had been made from a third person;

(f) If the employer or a co-employee are determined under RCW 4.22.070 to be at fault, (c) and (e) of this subsection do not apply and benefits shall be paid by the department and/or self-insurer to or on behalf of the worker or beneficiary as though no recovery had been made from a third person.

(2) The recovery made shall be subject to a lien by the department and/or self-insurer for its share under this section.

(3) The department or self-insurer has sole discretion to compromise the amount of its lien. In deciding whether or to what extent to compromise its lien, the department or self-insurer shall consider at least the following:

(a) The likelihood of collection of the award or settlement as may be affected by insurance coverage, solvency, or other factors relating to the third person;

(b) Factual and legal issues of liability as between the injured worker or beneficiary and the third person. Such issues include but are not limited to possible contributory negligence and novel theories of liability; and

(c) Problems of proof faced in obtaining the award or settlement.

(4) In the case of an employer not qualifying as a self-insurer, the department shall make a retroactive adjustment to such employer's experience rating in which the third party claim has been included to reflect that portion of the award or settlement which is reimbursed for

compensation and benefits paid and, if the claim is open at the time of recovery, applied against further compensation and benefits to which the injured worker or beneficiary may be entitled.

(5) In an action under this section, the self-insurer may act on behalf and for the benefit of the department to the extent of any compensation and benefits paid or payable from state funds.

(6) It shall be the duty of the person to whom any recovery is paid before distribution under this section to advise the department or self-insurer of the fact and amount of such recovery, the costs and reasonable attorneys' fees associated with the recovery, and to distribute the recovery in compliance with this section.

(7) The distribution of any recovery made by award or settlement of the third party action shall be confirmed by department order, served by registered or certified mail, and shall be subject to chapter 51.52 RCW. In the event the order of distribution becomes final under chapter 51.52 RCW, the director or the director's designee may file with the clerk of any county within the state a warrant in the amount of the sum representing the unpaid lien plus interest accruing from the date the order became final. The clerk of the county in which the warrant is filed shall immediately designate a superior court cause number for such warrant and the clerk shall cause to be entered in the judgment docket under the superior court cause number assigned to the warrant, the name of such worker or beneficiary mentioned in the warrant, the amount of the unpaid lien plus interest accrued and the date when the warrant was filed. The amount of such warrant as docketed shall become a lien upon the title to and interest in all real and personal property of the injured worker or beneficiary against whom the warrant is issued, the same as a judgment in a civil case docketed in the office of such clerk. The sheriff shall then proceed in the same manner and with like effect as prescribed by law with respect to execution or other process issued against rights or property upon judgment in the superior court. Such warrant so docketed shall be sufficient to support the issuance of writs of garnishment in favor of the department in the manner provided by law in the case of judgment, wholly or partially unsatisfied. The clerk of the court shall be entitled to a filing fee of five dollars, which shall be added to the amount of the warrant. A copy of such warrant shall be mailed to the injured worker or beneficiary within three days of filing with the clerk.

(8) The director, or the director's designee, may issue to any person, firm, corporation, municipal corporation, political subdivision of the state, public corporation, or agency of the state, a notice and order to withhold and deliver property of any kind if he or she has reason to believe that there is in the possession of such person, firm, corporation, municipal corporation, political subdivision of the state, public corporation, or agency of the state, property which is due, owing, or belonging to any worker or beneficiary upon whom a warrant has been served by the department for payments due to the state fund. The notice and order to withhold and deliver shall be served by the sheriff of the county or by the sheriff's deputy, or by any authorized representatives of the director. Any person, firm, corporation, municipal corporation, political subdivision of the state, public corporation, or agency of the state upon whom service has been made shall answer the notice within twenty days exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired of in the notice and order to withhold and deliver. In the event there is in the possession of the party named and served with such notice and order, any property which may be subject to the claim of the department, such property shall be delivered forthwith to the director or the director's authorized representative upon demand. If the party served and named in the notice and order fails to answer the notice and order within the time prescribed in this section, the court may, after the time to answer such order has expired, render judgment by default against the party named in the notice for the full amount claimed by the director in the notice together with costs. In the event that a notice to withhold and deliver is served upon an employer and the property found to be subject thereto is wages, the employer may assert in the answer to all exemptions provided for by chapter 7.33 RCW (sections 1001 through 1035 of this 1987 act) to which the wage earner may be entitled.

Sec. 1120. Section 35, chapter 43, Laws of 1972 ex. sess. as amended by section 11, chapter 9, Laws of 1986 and RCW 51.48.150 are each amended to read as follows:

The director or the director's designee is hereby authorized to issue to any person, firm, corporation, municipal corporation, political subdivision of the state, a public corporation, or any agency of the state, a notice and order to withhold and deliver property of any kind whatsoever when he or she has reason to believe that there is in the possession of such person, firm, corporation, municipal corporation, political subdivision of the state, public corporation, or any agency of the state, property which is or shall become due, owing, or belonging to any employer upon whom a notice of assessment has been served by the department for payments due to the state fund. The effect of a notice and order to withhold and deliver shall be continuous from the date such notice and order to withhold and deliver is first made until the liability out of which such notice and order to withhold and deliver arose is satisfied or becomes unenforceable because of lapse of time. The department shall release the notice and order to withhold and deliver when the liability out of which the notice and order to withhold and deliver arose is satisfied or becomes unenforceable by reason of lapse of time and shall notify the

person against whom the notice and order to withhold and deliver was made that such notice and order to withhold and deliver has been released.

The notice and order to withhold and deliver shall be served by the sheriff of the county or by the sheriff's deputy, or by any duly authorized representatives of the director. Any person, firm, corporation, municipal corporation, political subdivision of the state, public corporation or any agency of the state upon whom service has been made is hereby required to answer the notice within twenty days exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired of in the notice and order to withhold and deliver. In the event there is in the possession of the party named and served with a notice and order to withhold and deliver, any property which may be subject to the claim of the department, such property shall be delivered forthwith to the director or the director's duly authorized representative upon service of the notice to withhold and deliver which will be held in trust by the director for application on the employer's indebtedness to the department, or for return without interest, in accordance with a final determination of a petition for review, or in the alternative such party shall furnish a good and sufficient surety bond satisfactory to the director conditioned upon final determination of liability. Should any party served and named in the notice to withhold and deliver fail to make answer to such notice and order to withhold and deliver, within the time prescribed herein, it shall be lawful for the court, after the time to answer such order has expired, to render judgment by default against the party named in the notice to withhold and deliver for the full amount claimed by the director in the notice to withhold and deliver together with costs. In the event that a notice to withhold and deliver is served upon an employer and the property found to be subject thereto is wages, then the employer shall be entitled to assert in the answer to all exemptions provided for by chapter 7.33 RCW (sections 1001 through 1035 of this 1987 act) to which the wage earner may be entitled.

NEW SECTION. Sec. 1121. Section 233, page 173, Laws of 1854, section 321, page 65, Laws of 1877, section 306, Code of 1881, section 3, chapter 38, Laws of 1891 and RCW 4.64.040 are each repealed.

NEW SECTION. Sec. 1122. Parts I through X of this act shall each constitute a new chapter in Title 6 RCW, and the sections amended in each part of this act shall be recodified in the order they appear in this act. The code reviser shall correct all statutory references to these sections to reflect this recodification."

#### MOTIONS

On motion of Senator Halsan, the following amendments to the Committee on Judiciary amendment were considered simultaneously and adopted:

On page 86, line 15, of the amendment, strike "if after judgment."

On page 86, beginning on line 19 of the amendment, strike everything through "dollars" on line 27 and insert "whichever shall be greater of (a) fifty dollars ((or)), (b) statutory costs, or (c) ten percent of (i) the amount of the judgment remaining unsatisfied or (ii) the amount prayed for in the complaint"

On motion of Senator Talmadge, the following amendment by Senators Talmadge, Newhouse and Nelson to the Committee on Judiciary amendment was adopted:

On page 129, after line 12, insert the following:

"Sec. 1121. Section 84.64.080, chapter 15, Laws of 1961 as last amended by section 5, chapter 322, Laws of 1981 and RCW 84.64.080 are each amended to read as follows:

The court shall examine each application for judgment foreclosing tax lien, and if defense (specifying in writing the particular cause of objection) be offered by any person interested in any of said lands or lots to the entry of judgment against the same, the court shall hear and determine the matter in a summary manner, without other pleadings, and shall pronounce judgment as the right of the case may be; or said court may, in its discretion, continue such individual cases, wherein defense is offered, to such time as may be necessary, in order to secure substantial justice to the contestants therein; but in all other cases said court shall proceed to determine the matter in a summary manner as above specified. In all judicial proceedings of any kind for the collection of taxes, and interest and costs thereon, all amendments which by law can be made in any personal action pending in such court shall be allowed, and no assessments of property or charge for any of said taxes shall be considered illegal on account of any irregularity in the tax list or assessment rolls or on account of the assessment rolls or tax list not having been made, completed or returned within the time required by law, or on account of the property having been charged or listed in the assessment or tax lists without name, or in any other name than that of the owner, and no error or informality in the proceedings of any of the officers connected with the assessment, levying or collection of the taxes, shall vitiate or in any manner affect the tax or the assessment thereof, and any irregularities or informality in the assessment rolls or tax lists or in any of the proceedings connected with the assessment or levy of such taxes or any omission or defective act of any officer or officers connected with the assessment or levying of such taxes, may be, in the discretion of the court, corrected, supplied and made to conform to the law by the court. The court shall give judgment

for such taxes, interest and costs as shall appear to be due upon the several lots or tracts described in said notice of application for judgment or complaint, and such judgment shall be a several judgment against each tract or lot or part of a tract or lot for each kind of tax included therein, including all interest and costs, and the court shall order and direct the clerk to make and enter an order for the sale of such real property against which judgment is made, or vacate and set aside the certificate of delinquency or make such other order or judgment as in the law or equity may be just. Said order shall be signed by the judge of the superior court and attested by the clerk thereof, and a certified copy of said order, together with the list of the property therein ordered sold, shall be delivered to the county treasurer, and shall be full and sufficient authority for him or her to proceed to sell said property for said sum as set forth in said order and to take such further steps in the matter as are provided by law. The county treasurer shall immediately after receiving the order and judgment of the court proceed to sell the property as provided in this chapter to the highest and best bidder for cash. All sales shall be made at such place on county property as the county legislative authority may direct on Friday between the hours of 9 o'clock in the morning and 9 o'clock in the evening, as the county legislative authority may direct, and shall continue from day to day (Saturdays and Sundays excepted) during the same hours until all lots or tracts are sold, after first giving notice of the time, and place where such sale is to take place for ten days successively by posting notice thereof in three public places in the county, one of which shall be in the office of said treasurer. The notice shall be substantially in the following form:

TAX JUDGMENT SALE

Public notice is hereby given that pursuant to real property tax judgment of the superior court of the county of \_\_\_\_\_ in the state of Washington, and an order of sale duly issued by said court, entered the \_\_\_\_\_ day of \_\_\_\_\_ in proceedings for foreclosure of tax liens upon real property, as per provisions of law, I shall on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock a.m., at \_\_\_\_\_ in the city of \_\_\_\_\_ and county of \_\_\_\_\_ state of Washington, sell the following described lands or lots, to the highest and best bidder for cash, to satisfy the full amount of taxes, interest and costs adjudged to be due thereon as follows, to wit: (Description of property.)

In witness whereof, I have hereunto affixed my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_

Treasurer of \_\_\_\_\_ county.

(No county officer or employee shall directly or indirectly be a purchaser of such property at such sale.)

The treasurer may include in one notice any number of separate tracts or lots.

If any buildings or improvements are upon an area encompassing more than one tract or lot, the same must be advertised and sold as a single unit.

If the highest amount bid for any such separate unit tract or lot is in excess of the entire amount of the taxes and interest due upon the whole property included in the certificate of delinquency, the excess shall be refunded, on application therefor, to the record owner of the property. In the event no claim for the said excess is received by the county treasurer within three years after the date of the sale he or she shall at expiration of the three year period deposit such excess in the current expense fund of the county. The county treasurer shall execute to the purchaser of any piece or parcel of land a tax deed. The deed so made by the county treasurer, under the official seal of his or her office, shall be recorded in the same manner as other conveyances of real property, and shall vest in the grantee, his or her heirs and assigns the title to the property therein described, without further acknowledgment or evidence of such conveyance, and shall be substantially in the following form:

State of Washington

} ss.

County of \_\_\_\_\_

This indenture, made this \_\_\_\_\_ day of \_\_\_\_\_, between \_\_\_\_\_ as treasurer of \_\_\_\_\_ county, state of Washington, party of the first part, and \_\_\_\_\_ party of the second part:

Witnesseth, that, whereas, at a public sale of real property held on the \_\_\_\_\_ day of \_\_\_\_\_ pursuant to a real property tax judgment entered in the superior court in the county of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ in proceedings to foreclose tax liens upon real property and an order of sale duly issued by said court, \_\_\_\_\_ duly purchased in compliance with the laws of the state of Washington, the following described real property, to wit: (Here place description of real property conveyed) and that said \_\_\_\_\_ has complied with the laws of the state of Washington necessary to entitle (him, or her or them) to a deed for said real property.

Now, therefore, know ye, that, I \_\_\_\_\_, county treasurer of said county of \_\_\_\_\_ state of Washington, in consideration of the premises and by virtue of the statutes of the state of Washington, in such cases provided, do hereby grant and convey unto \_\_\_\_\_ his or her heirs and assigns, forever, the said real property hereinbefore described.

Given under my hand and seal of office this ..... day of ....., A.D. ....

.....  
County Treasurer.

Sec. 1122. Section 1, chapter 22, Laws of 1935 and RCW 4.56.090 are each amended to read as follows:

When any judgment has been assigned, the assignment ~~((may))~~ shall be filed in the office of the county clerk in the county where the judgment ~~((is recorded))~~ was rendered, and a certified copy shall be recorded with the recording officer of the county in which the judgment was rendered, which assignment includes the recording number of the judgment, and a certified copy thereof may be ~~((filed))~~ recorded in any county ~~((where an abstract))~~ in which a memorandum of such judgment has been ~~((filed))~~ recorded, and from the time of such ~~((filing))~~ recording shall be notice of such assignment: PROVIDED, That such assignment of a judgment or such certified copy thereof, may not be filed or recorded unless it is properly acknowledged by the person executing the assignment before an officer qualified by law to take acknowledgment of deeds.

Sec. 1123. Section 6, chapter 60, Laws of 1929 as amended by section 1, chapter 28, Laws of 1983 and RCW 4.56.100 are each amended to read as follows:

When any judgment for the payment of money only shall have been paid or satisfied, the clerk of the court in which such judgment was rendered shall note upon the record in the execution docket satisfaction thereof giving the date of such satisfaction upon either the payment to such clerk of the amount of such judgment, costs and interest and any accrued costs by reason of the issuance of any execution, or the filing with such clerk of a satisfaction entitled in such action and identifying the same executed by the judgment creditor or his attorney of record in such action or his assignee acknowledged as deeds are acknowledged. Every full satisfaction of judgment and every partial satisfaction of judgment which provides for the payment of money shall clearly designate the judgment creditor and his or her attorney if any, the judgment debtor, the amount or type of satisfaction, whether the satisfaction is full or partial, the cause number, and the date of entry of the judgment. A certificate by such clerk of the entry of such full satisfaction by him ~~((may be filed in the office of the clerk of any county in which an abstract of such judgment has been filed. When so satisfied by the clerk or the filing of such certificate the lien of such judgment shall be discharged))~~ or a certified copy of such full satisfaction, which includes the recording number of the judgment, shall be recorded with the recording officer of the county in which the judgment was rendered. Upon the recording of the certificate or certified copy of full satisfaction, the lien of the judgment shall be discharged. A certified copy of either the recorded certificate or recorded certified copy of full satisfaction may be recorded with the recording officer of the county in which any memorandum of the judgment referred to in RCW 4.56.200 (1) and (2) or assignment thereof has been recorded, and from the time of such recording in the county in which the judgment was rendered shall be notice of such full satisfaction.

Sec. 1124. Section 2, chapter 60, Laws of 1929 as amended by section 17, chapter 81, Laws of 1971 and RCW 4.56.200 are each amended to read as follows:

The lien of judgments upon the real estate of the judgment debtor shall commence as follows:

(1) ~~((Judgments of the district court of the United States rendered in the county in which the real estate of the judgment debtor is situated, and judgments of the superior court for the county in which the real estate of the judgment debtor is situated, from the time of the entry thereof;~~

~~((2)))~~ Judgments of the district court of the United States rendered in any county ~~((in this state other than that in which the real estate of the judgment debtor to be affected is situated))~~ of this state, judgments of the supreme court of this state, judgments of the court of appeals of this state, and judgments of the superior court for any county ~~((other than that in which the real estate of the judgment debtor to be affected is situated, from the time of the filing of a duly certified abstract of such))~~ of this state, upon the recording of a memorandum of the judgment with the ~~((county clerk))~~ recording officer of the county in which the real estate of the judgment debtor to be affected is situated, as provided in this ~~((act))~~ chapter.

~~((3)))~~ (2) Judgments ~~((of a justice of peace rendered in the county in which the real estate of the judgment debtor is situated;))~~ of any district court in this state from the time of the filing of a duly certified transcript of the docket of the ~~((justice of the peace))~~ district court with the county clerk of the county in which such judgment was rendered, and upon such filing said judgment shall become to all intents and purposes a judgment of the superior court for said county ~~((and~~

~~((4)))~~ Judgments of a justice of the peace rendered in any other county in this state than that in which the real estate of the judgment debtor to be affected is situated, a transcript of the docket of which has been filed with the county clerk of the county where such judgment was rendered, from the time of filing, with the county clerk of the county in which the real estate of the judgment debtor to be affected is situated, of a duly certified abstract of the record of said judgment in the office of the county clerk of the county in which the certified transcript of the docket of said judgment of said justice of the peace was originally filed)) and the recording with the recording officer of any county in the state in which the real estate of the judgment

debtor is situated of a memorandum of the transcription of judgment which was filed with the clerk of the county in which the judgment was rendered.

(3) The memorandum referred to in subsections (1) and (2) of this section shall clearly designate: The judgment debtor, judgment creditor, and the name of the judgment creditor's attorney; the amount of the judgment, the court of jurisdiction, and county in which the judgment was rendered; and, as to a judgment referred to under subsection (2) of this section, the superior court of the county in which the transcription was filed and name of the court in which the judgment was rendered, cause number, and warrant number if a state tax warrant is involved. For any judgment that also includes taxable costs and attorney fees, the total of such costs and fees shall be designated in the memorandum or, if the taxable costs and attorneys' fees are not known at the time the memorandum or a certified copy thereof is recorded, then the following statement shall appear in upper case type on the memorandum or certified copy: "TAXABLE COSTS AND ATTORNEYS' FEES ARE IN ADDITION TO THE AMOUNT OF THIS JUDGMENT." The memorandum shall be executed and acknowledged by the judgment creditor or his or her attorney and shall be valid for all purposes if in substantial compliance with the foregoing requirement.

NEW SECTION, Sec. 1125. Sections 1122 through 1124 of this act apply to all judgments rendered after the effective date of this act.

Sec. 1126. Section 1, chapter 100, Laws of 1925 ex. sess. as last amended by section 2, chapter 154, Laws of 1981 and RCW 63.32.010 are each amended to read as follows:

Whenever any personal property shall come into the possession of the police authorities of any city in connection with the official performance of their duties and said personal property shall remain unclaimed or not taken away for a period of sixty days from date of written notice to the owner thereof, if known, and in all other cases for a period of sixty days from the time said property came into the possession of the police department, unless said property has been held as evidence in any court, then, in that event, after sixty days from date when said case has been finally disposed of and said property released as evidence by order of the court, said city may:

(1) At any time thereafter sell said personal property at public auction to the highest and best bidder for cash in the manner hereinafter provided:

(2) Retain the property for the use of the police department subject to giving notice in the manner prescribed in RCW 63.32.020 and the right of the owner, or the owner's legal representative, to reclaim the property within one year after receipt of notice, without compensation for ordinary wear and tear if, in the opinion of the chief of police, the property consists of firearms or other items specifically usable in law enforcement work: PROVIDED, That at the end of each calendar year during which there has been such a retention, the police department shall provide the city's mayor or council and retain for public inspection a list of such retained items and an estimation of each item's replacement value:

(3) Destroy an item of personal property at the discretion of the chief of police if the chief of police determines that the following circumstances have occurred:

(a) ((The item has been in the possession of the police department for a period of at least one year from the time of first possession by the department)) The property has no substantial commercial value, or, in the judgment of the chief of police, the probable cost of sale exceeds the value of the property;

(b) The item has been unclaimed by any person after notice procedures have been met, as prescribed in ((RCW 63.32.020) this section; ((and))

(c) The chief of police has determined that the item is unsafe and unable to be made safe for use by any member of the general public; ((or))

(4) If the item is not unsafe or illegal to possess or sell, such item, after satisfying the notice requirements as prescribed in RCW 63.32.020, may be offered by the chief of police to bona fide dealers, in trade for law enforcement equipment, which equipment shall be treated as retained property for purpose of annual listing requirements of subsection (2) of this section; or

(5) If the item is not unsafe or illegal to possess or sell, but has been, or may be used, in the judgment of the chief of police, in a manner that is illegal, such item may be destroyed.

Sec. 1127. Section 2, chapter 100, Laws of 1925 ex. sess. and RCW 63.32.020 are each amended to read as follows:

Before said personal property shall be sold, ((if the name and address of the owner thereof be known, at least ten days' notice of such sale shall be given him either personally or by leaving a written notice at his residence or place of doing business with some person of suitable age and discretion then resident or employed therein; or if the name or residence of the owner be not known;)) a notice of such sale fixing the time and place thereof which shall be at a suitable place, which will be noted in the advertisement for sale, and containing a description of the property to be sold shall be published at least once in the official newspaper of said city at least ten days prior to the date fixed for said sale. The notice shall be signed by the chief or other head of the police department of such city. If the owner fails to reclaim said property prior to the time fixed for the sale in such notice, the chief or other head of the police department shall conduct said sale and sell the property described in the notice at public auction to the highest and best bidder for cash, and upon payment of the amount of such bid shall deliver the said property to such bidder.

Sec. 1128, Section 1, chapter 104, Laws of 1961 as last amended by section 3, chapter 154, Laws of 1981 and RCW 63.40.010 are each amended to read as follows:

Whenever any personal property, other than vehicles governed by chapter 46.52 RCW, shall come into the possession of the sheriff of any county in connection with the official performance of his duties and said personal property shall remain unclaimed or not taken away for a period of sixty days from date of written notice to the owner thereof, if known, and in all other cases for a period of sixty days from the time said property came into the possession of the sheriff's office, unless said property has been held as evidence in any court, then, in that event, after sixty days from date when said case has been finally disposed of and said property released as evidence by order of the court, said county sheriff may:

(1) At any time thereafter sell said personal property at public auction to the highest and best bidder for cash in the manner hereinafter provided:

(2) Retain the property for the use of the sheriff's office subject to giving notice in the manner prescribed in RCW 63.40.020 and the right of the owner, or his or her legal representative, to reclaim the property within one year after the receipt of notice, without compensation for ordinary wear and tear if, in the opinion of the county sheriff, the property consists of firearms or other items specifically usable in law enforcement work: PROVIDED, That at the end of each calendar year during which there has been such a retention, the sheriff shall provide the county's executive or legislative authority and retain for public inspection a list of such retained items and an estimation of each item's replacement value;

(3) Destroy an item of personal property at the discretion of the county sheriff if the county sheriff determines that the following circumstances have occurred:

(a) ~~(The item has been in the possession of the sheriff's office for a period of at least one year from the time of first possession by the office.)~~ The property has no substantial commercial value, or, in the judgment of the county sheriff, the probable cost of sale exceeds the value of the property;

(b) ~~The item has been unclaimed by any person after notice procedures have been met, as prescribed in (RCW 63.40.020) this section; (and)~~

(c) ~~The county sheriff has determined that the item is unsafe and unable to be made safe for use by any member of the general public; (or)~~

(4) ~~If the item is not unsafe or illegal to possess or sell, such item, after satisfying the notice requirements as prescribed in RCW 63.40.020, may be offered by the county sheriff to bona fide dealers, in trade for law enforcement equipment, which equipment shall be treated as retained property for purpose of annual listing requirements of subsection (2) of this section; or~~

(5) If the item is not unsafe or illegal to possess or sell, but has been, or may be used, in the discretion of the county sheriff, in a manner that is illegal, such item may be destroyed.

Sec. 1129, Section 2, chapter 104, Laws of 1961 and RCW 63.40.020 are each amended to read as follows:

Before said personal property shall be sold, ~~((if the name and address of the owner thereof be known, at least ten days' notice of such sale shall be given him either personally or by leaving a written notice at his residence or place of doing business with some person of suitable age and discretion then resident or employed therein; or if the name or residence of the owner be not known:))~~ a notice of such sale fixing the time and place thereof which shall be at a suitable place, which will be noted in the advertisement for sale, and containing a description of the property to be sold shall be published at least once in an official newspaper in said county at least ten days prior to the date fixed for said sale. The notice shall be signed by the sheriff or his deputy. If the owner fails to reclaim said property prior to the time fixed for the sale in such notice, the sheriff or his deputy shall conduct said sale and sell the property described in the notice at public auction to the highest and best bidder for cash, and upon payment of the amount of such bid shall deliver the said property to such bidder.

Sec. 1130, Section 4, chapter 314, Laws of 1986 and RCW 60.04.115 are each amended to read as follows:

Any owner of real property subject to a recorded claim of lien under RCW 60.04.060, or the contractor or subcontractor who disputes the correctness or validity of the claim of lien may record, either before or after the commencement of an action to enforce the claim of lien, in the office of the county recorder or auditor in the county where the claim of lien was recorded, a bond issued by an insurance company authorized to issue surety bonds in the state, that is ~~((acceptable to the lien claimant))~~ contained in the latest federal department of the treasury list of surety companies acceptable on federal bonds published in the federal register and either: (1) Is authorized to issue bonds on United States government projects in an underwriting limitation equal to or greater than five hundred thousand dollars; or (2) has had its loss reserves actuarially certified within the previous year as reasonably sufficient by an independent actuary; and contains a description of the claim of lien and real property involved, and in an amount equal to the greater of five thousand dollars or two and one-half times the amount of the claim of lien if it is twenty thousand dollars or less, and in an amount equal to ((the greater of thirty thousand dollars or)) two times the amount of claim of lien if it is in excess of twenty thousand dollars. If the claim of lien affects more than one parcel of real property and is segregated to each parcel, the bond may be segregated the same as in the claim of lien. A separate bond shall be required for each claim of lien. The condition of the bond shall be to

guarantee the payment of the judgment entered in any action to recover the amount claimed in a claim of lien, or on the claim asserted in the claim of lien. The effect of recording a bond shall be to release the real property described in the claim of lien from the lien and any action brought to recover the amount claimed. Unless otherwise prohibited by law, if no action is filed to recover on a claim of lien within the time specified in RCW 60.04.100 the surety shall be discharged from liability under the bond. If such an action is timely filed, then on payment of any judgment entered in the action or on payment of the full amount of the bond to the holder of the judgment, whichever is less, the surety shall be discharged from liability under the bond."

Renumber the following sections consecutively.

The President declared the question before the Senate to be adoption of the Committee on Judiciary amendment, as amended.

The motion by Senator Talmadge carried and the committee amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Talmadge, the following title amendments were considered simultaneously and adopted:

On page 1, beginning on line 1 of the title, after "judgments;" strike the remainder of the title and insert "amending RCW 6.12.010,

6.12.020, 6.12.050, 6.12.045, 6.12.120, 6.12.110, 6.12.090, 6.12.100, 6.12.105, 6.12.140, 6.12.150, 6.12.170, 6.12.180, 6.12.190, 6.12.220, 6.12.230, 6.12.250, 6.12.260, 6.12.270, 6.12.280, 6.12.300, 6.12.310, 6.12.320, 6.12.330, 6.16.020, 6.16.030, 6.16.050, 6.16.070, 6.16.080, 6.16.090, 6.04.010, 6.04.070, 6.04.020, 6.04.030, 6.04.140, 6.04.060, 6.04.035, 6.04.040, 6.04.050, 6.04.100, 7.12.130, 6.04.120, 6.04.130, 6.20.010, 6.20.020, 6.20.030, 6.20.050, 6.24.010, 6.24.015, 6.24.020, 6.24.050, 6.24.030, 6.24.060, 6.24.090, 6.24.100, 6.24.220, 6.24.110, 6.24.130, 6.24.140, 6.24.145, 6.24.150, 6.24.160, 6.24.170, 6.24.180, 6.24.190, 6.24.200, 6.24.210, 6.24.230, 7.12.010, 7.12.020, 7.12.030, 7.12.040, 7.12.060, 7.12.070, 7.12.080, 7.12.090, 7.12.100, 7.12.110, 7.12.120, 7.12.200, 7.12.140, 7.12.270, 7.12.250, 7.12.150, 7.12.160, 7.12.170, 7.12.210, 7.12.220, 7.12.230, 7.12.240, 7.12.310, 7.12.330, 7.33.340, 7.33.010, 7.33.020, 7.33.060, 7.12.180, 7.33.040, 7.33.050, 7.33.090, 7.33.110, 7.33.130, 7.33.140, 7.33.320, 7.33.280, 7.33.160, 7.33.170, 7.33.150, 7.33.190, 7.33.240, 7.33.260, 7.33.290, 7.33.180, 7.33.200, 7.33.210, 7.33.220, 7.33.230, 7.33.330, 7.33.300, 7.33.270, 7.33.350, 7.33.360, 7.33.370, 7.33.380, 3.66.100, 12.04.050, 4.56.190, 4.64.060, 4.64.070, 4.64.030, 4.64.080, 4.64.020, 4.64.100, 4.64.120, 4.64.110, 4.64.090, 6.32.250, 11.52.010, 61.12.060, 35A.21.195, 51.24.060, and 51.48.150; adding a new section to chapter 6.32 RCW; adding new chapters to Title 6 RCW; creating new sections; recodifying sections; and repealing RCW 6.12.070, 6.12.080, 6.12.160, 6.12.200, 6.12.210, 6.12.240, 6.16.010, 6.16.040, 6.04.080, 6.04.090, 6.04.095, 6.04.110, 6.04.150, 6.20.040, 6.24.070, 6.24.080, 6.24.120, 7.12.050, 7.12.190, 7.12.260, 7.12.280, 7.12.290, 7.12.300, 7.12.330, 12.24.010, 12.24.020, 12.24.030, 12.24.040, 12.24.050, 12.24.060, 12.24.070, 12.24.080, 12.24.090, 12.24.100, 12.24.110, 12.24.120, 12.24.130, 12.24.140, 12.24.150, 12.24.160, 12.24.170, 12.24.180, 12.24.190, 12.24.200, 12.24.210, 7.33.070, 7.33.080, 7.33.100, 7.33.120, 7.33.250, 7.33.390, and 4.64.040."

On page 130, line 16 of the title amendment, strike "and"

On page 130, line 16 of the title amendment, after "51.48.150" and before the semicolon insert ", 84.64.080, 4.56.090, 4.56.100, 4.56.200, 63.32.010, 63.32.020, 63.40.010, 63.40.020, and 60.04.115."

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute House Bill No. 927, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### MOTION

On motion of Senator Zimmerman, Senator Patterson was excused.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 927, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 927, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vogt, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senator Pullen - 1.

Excused: Senator Patterson - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 927, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 995, by Committee on Housing (originally sponsored by Representatives Todd, Cantwell, Crane, Cooper, Leonard and Nutley)

Establishing a mobile home park purchase fund.

The bill was read the second time.

#### MOTIONS

Senator Warnke moved that the following Committee on Commerce and Labor amendment be adopted:

Strike everything after the enacting clause and insert the following:

**\*NEW SECTION, Sec. 1.** (1) The legislature finds:

(a) That manufactured housing and mobile home parks provide a source of low-cost housing to the low income, elderly, poor and infirmed, without which they could not afford private housing; but rising costs of mobile home park development and operation, as well as turnover in ownership, has resulted in mobile home park living becoming unaffordable to the low income, elderly, poor and infirmed, resulting in increased numbers of homeless persons, and persons who must look to public housing and public programs, increasing the burden on the state to meet the housing needs of its residents;

(b) That state government can play a vital role in addressing the problems confronted by mobile home park residents by providing assistance which makes it possible for mobile home park residents to acquire the mobile home parks in which they reside and convert them to resident ownership; and

(c) That to accomplish this purpose, information and technical support shall be made available through the department of community development.

(2) Therefore, it is the intent of the legislature, in order to maintain low-cost housing in mobile home parks to benefit the low income, elderly, poor and infirmed, to encourage and facilitate the conversion of mobile home parks to resident ownership, to protect low-income mobile home park residents from both physical and economic displacement, to obtain a high level of private financing for mobile home park conversions, and to help establish acceptance for resident-owned mobile home parks in the private market.

**NEW SECTION, Sec. 2.** The following definitions shall apply throughout this chapter unless the context clearly requires otherwise:

(1) "Affordable" means that, where feasible, low-income residents should not pay more than thirty percent of their monthly income for housing costs.

(2) "Conversion costs" includes the cost of acquiring the mobile home park, the costs of planning and processing the conversion, the costs of any needed repairs or rehabilitation, and any expenditures required by a government agency or lender for the project.

(3) "Department" means the department of community development.

(4) "Fund" means the mobile home park purchase fund created pursuant to section 4 of this act.

(5) "Housing costs" means the total cost of owning, occupying, and maintaining a mobile home and a lot or space in a mobile home park.

(6) "Individual interest in a mobile home park" means any interest which is fee ownership or a lesser interest which entitles the holder to occupy a lot or space in a mobile home park for a period of not less than either fifteen years or the life of the holder. Individual interests in a mobile home park include, but are not limited to, the following:

(a) Ownership of a lot or space in a mobile home park or subdivision;

(b) A membership or shares in a stock cooperative, or a limited equity housing cooperative; or

(c) Membership in a nonprofit mutual benefit corporation which owns, operates, or owns and operates the mobile home park.

(7) "Low-income resident" means an individual or household who resided in the mobile home park prior to application for a loan pursuant to this chapter and with an annual income at or below eighty percent of the median income for the county of standard metropolitan statistical area of residence. Net worth shall be considered in the calculation of income with the exception of the resident's mobile/manufactured home which is used as their primary residence.

(8) "Low-income spaces" means those spaces in a mobile home park operated by a resident organization which are occupied by low-income residents.

(9) "Mobile home park" means a mobile home park, as defined in RCW 59.20.030(4), or a manufactured home park subdivision as defined by RCW 59.20.030(6) created by the conversion to resident ownership of a mobile home park.

(10) "Resident organization" means a group of mobile home park residents who have formed a nonprofit corporation, cooperative corporation, or other entity or organization for the purpose of acquiring the mobile home park in which they reside and converting the mobile home park to resident ownership. The membership of a resident organization shall include at least two-thirds of the households residing in the mobile home park at the time of application for assistance from the department.

(11) "Resident ownership" means, depending on the context, either the ownership, by a resident organization, as defined in this section, of an interest in a mobile home park which entitles the resident organization to control the operations of the mobile home park for a term of no less than fifteen years, or the ownership of individual interests in a mobile home park, or both.

NEW SECTION, Sec. 3. Nothing in this chapter shall limit the park owner's right to exert full management and control of a portion of a park retained in the case of a sale of a portion of a mobile home park to a resident organization.

NEW SECTION, Sec. 4. The mobile home park purchase fund is hereby created and shall be maintained in the office of the treasurer. The purpose of this fund is to provide loans according to the provisions of this chapter and for related administrative costs of the department. The fund shall include appropriations, loan repayments, interest, and any other money from private sources made available to the state for the purposes of this chapter.

NEW SECTION, Sec. 5. (1) Subject to appropriation, the department may make loans from the fund to resident organizations for the purpose of financing mobile home park conversion costs, as defined in this chapter.

(2) Loans provided pursuant to this section shall be for a term of no more than three years and shall bear interest at a competitive rate set by the department and adjusted by the department when necessary.

(3) Loans granted pursuant to this section shall be for the least amount necessary to enable a resident organization to acquire and convert the mobile home park in which its members reside. However, in no case shall the loan amount exceed fifty percent of the approved conversion costs.

(4) The department shall only make loans to resident organizations of mobile home parks where a significant portion of the residents are low income, elderly, poor or infirmed.

NEW SECTION, Sec. 6. (1) The department may make loans from the fund to low-income residents of mobile home parks converted to resident ownership or to resident organizations which have converted or plan to convert a mobile home park to resident ownership. The purpose of providing loans pursuant to this section is to reduce the monthly housing costs for low-income residents to an affordable level.

(2) Loans provided pursuant to this section shall be for a term of no more than thirty years and shall bear interest at a competitive rate set by the department.

(3) The department may establish flexible repayment terms for loans provided pursuant to this section if the terms are necessary to reduce monthly housing costs for low-income residents to an affordable level and do not represent an unacceptable risk to the security of the fund.

(4) Loans provided to low-income residents pursuant to this section shall be for the least amount necessary to reduce the borrower's monthly housing costs to an affordable level. However, in no case shall loan amounts exceed fifty percent of the acquisition costs of the individual interests in the mobile home parks. In addition, the total indebtedness upon individual interests may not exceed ninety percent of the value of the interests.

(5) Loans provided to resident organizations pursuant to this section shall be for the least amount necessary to reduce the monthly housing costs of low-income residents to an affordable level. However, in no case shall the loan amounts exceed fifty percent of the conversions costs attributable to the low-income spaces. Funds provided pursuant to this section shall not be used to assist residents who are not low-income, or to reduce monthly housing costs for low-income residents to less than thirty percent of their monthly income.

NEW SECTION, Sec. 7. In determining the eligibility for, and the amount of, loans pursuant to sections 5 and 6 of this act, the department shall take into consideration, among other factors, all of the following: (1) The reasonableness of the conversion costs relating to repairs, rehabilitation, construction, or other costs; (2) whether or not the project complements the implementation of a local housing program to preserve or increase the supply of housing for persons and families of low or moderate income; (3) whether or not state funds are utilized in the most efficient and effective manner in the furtherance of the goals of this chapter; and (4) any administrative and security factors affecting the department's program operation and administration.

To the extent consistent with requests for assistance, the department shall allocate funds available for the purposes of this chapter throughout the state in accordance with identified housing needs, including seeking to allocate not less than twenty percent to rural areas.

**NEW SECTION.** Sec. 8. (1) The department shall adopt regulations for the administration and implementation of this chapter.

(2) The department shall obtain the best available security for loans made pursuant to this chapter. The security may be in the form of a note, deed of trust, assignment of lease, or other form of security on real or personal property which the department determines is adequate to protect the security of the fund and the interests of the state. To the extent applicable, these security documents shall be recorded or referenced in a recorded document in the office of the county auditor of the county in which the mobile home park is located.

(3) The department shall exercise sufficient regulatory control with respect to park operations to assure the accomplishment of the purposes of the program authorized by this chapter.

(4) Before providing financing pursuant to this chapter, the department shall require provision of, and approve, at least the following:

(a) Verification that at least two-thirds of the households residing in the mobile home park support the plan for acquisition and conversion of the park;

(b) Verification that either no park residents will be involuntarily displaced as a result of the park conversion, or the impacts of displacement will be mitigated so as not to impose an unreasonable hardship on the displaced resident or residents;

(c) Verification that the conversion is consistent with local zoning and land use requirements, other applicable state and local laws, and regulations and ordinances;

(d) Projected costs and sources of funds for all conversion activities;

(e) Projected operating budget for the park during and after conversion;

(f) A management plan for the conversion and operation of the park; and

(g) If necessary, a relocation plan, funded by the resident organization, for residents not participating.

(5) The department shall, to the greatest extent feasible, do both of the following:

(a) Require participation by cities and counties in loan applications submitted pursuant to this chapter; and

(b) Contract with private lenders or units of local government to provide program administration and to service loans made pursuant to this chapter.

**NEW SECTION.** Sec. 9. (1) The department shall provide technical assistance to resident organizations or low-income residents who wish to convert the mobile home park in which they reside to resident ownership or to acquire an individual interest in a mobile home park. Technical assistance provided under this section shall be general in nature and shall not include the final details connected with the sale or conversion of a mobile home park which would require the department to act in a representative capacity, or would require the department to draft documents affecting legal or property rights of the parties.

(2) As part of the general assistance to mobile home resident organizations, park owners, and landlords and tenants, the department shall establish an office of mobile home affairs which will serve as the coordinating office within state government for matters relating to mobile homes or manufactured housing.

This office will provide an ombudsman service to mobile home park owners and mobile home tenants with respect to problems and disputes between park owners and park residents and to provide technical assistance under subsection (1) of this section. The office will keep records of its activities in this area.

This office will also provide an ombudsman service to mobile home park owners and mobile home tenants with respect to accessing governmental services related to health and safety within mobile home parks.

This office will further recommend policies and strategies that will promote the development and utilization of mobile homes or manufactured housing and the conversion of mobile home parks to resident ownership as a means of enhancing the supply of safe, sanitary, low and moderate-income housing within the state, and advise the legislature, executive agencies of state government, and local government entities accordingly.

The office may not consider, evaluate, or develop policies or any means of government controlling the economic return to mobile home park owners resulting from operation of their parks.

(3) The department shall establish the mobile home and manufactured housing affairs advisory committee. The committee shall consist of five members appointed by the director of the department of community development. The committee shall be comprised of one representative of mobile home park tenants, one representative of mobile home park owners, and one representative of the public at large, each of whom shall be knowledgeable and have practical experience with the mobile home landlord tenant act, one representative of mobile home manufacturers and one representative of local governments. Only the representatives of the mobile home park tenants, mobile home park owners, and the public at large shall review and advise the office on issues relating to the mobile home landlord tenant act. The director of the department of community development shall appoint the committee chairperson. The entire committee shall advise the office in implementing the provisions of subsections (1) and (2) of this section. The members of the committee shall not receive compensation or reimbursement for travel expenses.

NEW SECTION. Sec. 10. Within two years of the completion of a sufficient number of mobile home park conversions to allow for meaningful evaluation, the department shall undertake an evaluation of the program established by this chapter, and submit its findings to the legislature. However, in no event shall this report be submitted later than December 31, 1990. This evaluation shall include an examination of the financial, governmental, and institutional constraints on the conversion of mobile home parks; the impact of park conversions upon low-income residents, including those residents who moved from the parks during the conversion process or within one year after conversion; the distribution and average income and assets of residents who have participated; data on loan delinquencies and defaults; the costs of acquiring and converting mobile home parks to resident ownership; and a comparison of different resident ownership structures financed pursuant to this chapter.

NEW SECTION. Sec. 11. Sections 1 through 10 of this act shall constitute a new chapter in Title 59 RCW.

NEW SECTION. Sec. 12. This chapter shall remain in effect until July 1, 1991, and as of that date is repealed, unless that date is extended."

On motion of Senator Warnke, the following amendment to the Committee on Commerce and Labor amendment was adopted:

On page 5, line 25 of the amendment, after "chapter," insert "Owners of mobile home parks shall not be assessed for the purposes of this fund."

The President declared the question before the Senate to be adoption of the Committee on Commerce and Labor amendment, as amended.

The motion by Senator Warnke carried and the committee amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Warnke, the following title amendment was adopted:

On page 1, line 2 of the title, after "assistance;" strike the remainder of the title, and insert "adding a new chapter to Title 59 RCW; and providing an expiration date."

On motion of Senator Warnke, the rules were suspended. Engrossed Substitute House Bill No. 995, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Newhouse: "Senator Warnke, I note the creation of a loan fund and the money is to be loaned to mobile home park occupants and so forth. You are rather unclear as to where that money comes from. Can you tell us where they are going to get that money?"

Senator Warnke: "I'll have to look that up and get right back to you. I know it is a revolving fund where we establish the fund first and the fees generated to the tenants will pick up that money and pay back to the DCD, but let me pick it up here and I'll give it to you."

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Warnke, you mentioned that in the case where a mobile home park location was to be sold, that this would allow the tenants to move in and buy, if they so desire. We had one in Tacoma and the tenants were evicted and it is now part of Tacoma Mall. Is it meant that the tenants will have to buy at the price that the owner wants, or will he have to sell if he doesn't want to sell and does it contain the power of eminent domain?"

Senator Warnke: "It does not contain eminent domain. The tenants must bid at the fair market price, or meet the bid that comes to that owner from some other purchaser."

Senator Rasmussen: "They will have to bid on the open market?"

Senator Warnke: "Absolutely."

Senator Rasmussen: "How big a fund, as Senator Newhouse asked, are we going to have established? I think Senator Newhouse already asked, too, is it coming out of the general fund or out of the air? It is a serious problem and I am just wondering what the details are of how we are going to solve it without the powers of eminent domain?"

Senator Warnke: "Senator Newhouse and Senator Rasmussen, in the bill it says that an appropriation will be made to DCD. Also, they will use private funds, loan repayments, interest and other money from private sources that's made available

to the fund, so there will be an appropriation made, but this bill does not contain an appropriation and we would hope that the budget would have some money for DCD and to establish this loan."

Further debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Warnke, I heard something else in there that this fund was going to be raised by increased rents to the tenants of mobile parks. That's what their problem is now. Are they going to put an additional charge on each person's rental?"

Senator Warnke: "No, Senator, I did not say that. What I said was, 'repayment loans, interest.' If, from the loan fund, a group of tenants are granted a loan to purchase a park, they will repay that money to the DCD loan, plus interest. The interest then would go to pay off the initial appropriation to the fund established in DCD. It has nothing to do with rent, Senator."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 995, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 995, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 34; nays, 15.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, Moore, Peterson, Rinehart, Saling, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 34.

Voting nay: Senators Anderson, Barr, Cantu, Craswell, Hayner, Lee, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Sellar - 15.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 995, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1027, by Representatives Amondson, Holm, Sutherland, Vekich, Rasmussen, Jesernig, Meyers, Hargrove, Basich, McMullen, Fisch, Bristow, Betzoff, Ballard, D. Sommers, May, Fuhrman, S. Wilson, McLean, Miller, J. Williams, Winsley, Silver, P. King, Cooper, Doty and L. Smith

Providing for the sale of damaged timber from trust lands.

The bill was read the second time.

#### MOTION

On motion of Senator Halsan, the rules were suspended, House Bill No. 1027 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1027.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1027 and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Rinehart - 1.

HOUSE BILL NO. 1027, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 244, by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Madsen, Walker, Fisch, May, Holm, Brough and Todd)

Exempting employment applications and employees' and volunteers' names and addresses from public disclosure.

The bill was read the second time.

## MOTIONS

Senator Talmadge moved that the following Committee on Judiciary amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 241, Laws of 1984 and RCW 46.12.380 are each amended to read as follows:

Notwithstanding the provisions of chapter 42.17 RCW, the name or address of an individual vehicle owner shall not be released by the department, county auditor, or other public agency except upon written request, signed by the person requesting disclosure, stating their full legal name and address. The request for disclosure is itself a public record, subject to inspection and copying, and shall be retained by the disclosing agency for two years.

~~((When deemed appropriate by the disclosing agency))~~ Notice that such a disclosure request has been honored ~~((may))~~ shall be sent to the affected vehicle owner by the disclosing agency, indicating the name and address of the person requesting disclosure.

This section shall not apply to persons who routinely request disclosure of vehicle registration information for use in the course of their business or occupation."

Senator Nelson moved that the following amendment by Senators Nelson, Williams, Pullen, Moore, Newhouse and Warnke to the Committee on Judiciary amendment be adopted:

On page 1, after line 34, insert the following:

"Sec. 2. Section 2, chapter 1, Laws of 1973 as last amended by section 5, chapter 34, Laws of 1984 and RCW 42.17.020 are each amended to read as follows:

(1) "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency.

(2) "Ballot proposition" means any "measure" as defined by RCW 29.01.110, or any initiative, recall, or referendum proposition proposed to be submitted to the voters of the state or any municipal corporation, political subdivision, or other voting constituency from and after the time when the proposition has been initially filed with the appropriate election officer of that constituency prior to its circulation for signatures.

(3) "Campaign depository" means a bank designated by a candidate or political committee pursuant to RCW 42.17.050.

(4) "Campaign treasurer" and "deputy campaign treasurer" mean the individuals appointed by a candidate or political committee, pursuant to RCW 42.17.050, to perform the duties specified in that section.

(5) "Candidate" means any individual who seeks election to public office. An individual shall be deemed to seek election when he first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his candidacy for office; or

(b) Announces publicly or files for office.

(6) "Commercial advertiser" means any person who sells the service of communicating messages or producing printed material for broadcast or distribution to the general public or segments of the general public whether through the use of newspapers, magazines, television and radio stations, billboard companies, direct mail advertising companies, printing companies, or otherwise.

(7) "Commission" means the agency established under RCW 42.17.350.

(8) "Compensation" unless the context requires a narrower meaning, includes payment in any form for real or personal property or services of any kind; PROVIDED, That for the purpose of compliance with RCW 42.17.241, the term "compensation" shall not include per diem allowances or other payments made by a governmental entity to reimburse a public official for expenses incurred while the official is engaged in the official business of the governmental entity.

(9) "Continuing political committee" means a political committee that is an organization of continuing existence not established in anticipation of any particular election campaign.

(10) "Contribution" includes a loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or transfer of anything of value, including personal and professional services for less than full consideration, but does not include interest on moneys deposited in a political committee's account, ordinary home hospitality and the rendering of "part-time" personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of twenty-five dollars personally paid for by the worker. "Part-time" services, for the purposes of this chapter, means services in addition to regular full-time employment, or, in the case of an unemployed person, services not in excess of twenty hours per week, excluding weekends. For the purposes of this chapter, contributions other than money or its equivalents shall be deemed to have a money value equivalent to the fair market value of the contribution. Sums paid for tickets to fund-raising events such as dinners and parties are contributions; however, the amount of any such contribution may be reduced for the purpose of complying with the reporting requirements of this chapter, by the actual cost of consumables furnished in connection with the purchase of the tickets, and only the excess over the actual cost of the consumables shall be deemed a contribution.

(11) "Elected official" means any person elected at a general or special election to any public office, and any person appointed to fill a vacancy in any such office.

(12) "Election" includes any primary, general, or special election for public office and any election in which a ballot proposition is submitted to the voters: PROVIDED, That an election in which the qualifications for voting include other than those requirements set forth in Article VI, section 1 (Amendment 63) of the Constitution of the state of Washington shall not be considered an election for purposes of this chapter.

(13) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition.

(14) "Expenditure" includes a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. The term "expenditure" also includes a promise to pay, a payment, or a transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting, or honoring any public official or candidate, or assisting in furthering or opposing any election campaign. For the purposes of this chapter, agreements to make expenditures, contracts, and promises to pay may be reported as estimated obligations until actual payment is made. The term "expenditure" shall not include the partial or complete repayment by a candidate or political committee of the principal of a loan, the receipt of which loan has been properly reported, or payment of service charges against a political committee's campaign account.

(15) "Final report" means the report described as a final report in RCW 42.17.080(2).

(16) "Immediate family" includes the spouse, dependent children, and other dependent relatives, if living in the household.

(17) "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature, and includes any other matter that may be the subject of action by either house or any committee of the legislature and all bills and resolutions that, having passed both houses, are pending approval by the governor.

(18) "Lobby" and "lobbying" each mean attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency under the state administrative procedure acts, chapter 34.04 RCW and chapter 28B.19 RCW.

(19) "Lobbyist" includes any person who lobbies either in his own or another's behalf.

(20) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed and all persons by whom he is compensated for acting as a lobbyist.

(21) "Person" includes an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

(22) "Person in interest" means the person who is the subject of a record or any representative designated by that person, except that if that person is under a legal disability, the term "person in interest" means and includes the parent or duly appointed legal representative.

(23) "Political advertising" includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations, or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support in any election campaign.

(24) "Political committee" means any person (except a candidate or an individual dealing with his own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition.

(25) "Politically active nonprofit organization" means a nonprofit organization that rates the qualifications of any candidate for public office or recommends support for or opposition to a ballot proposition, with the expectation that these ratings or recommendations will be made known outside the membership of the organization. It does not include an organization that only rates the voting record of a candidate or only engages in lobbying. The organization shall be deemed a continuing one if it has a continuing existence and is not established in anticipation of any particular election campaign.

(26) "Public office" means any federal, state, county, city, town, school district, port district, special district, or other state political subdivision elective office.

~~((26))~~ (27) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

~~((27))~~ (28) "Surplus funds" mean, in the case of a political committee or candidate, the balance of contributions that remain in the possession or control of that committee or candidate subsequent to the election for which the contributions were received, and that are in excess of the amount necessary to pay remaining debts incurred by the committee or candidate prior to that election. In the case of a continuing political committee, "surplus funds" mean those contributions remaining in the possession or control of the committee that are in excess of the amount necessary to pay all remaining debts when it makes its final report under RCW 42.17.065.

~~((28))~~ (29) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic, punched cards, discs, drums, and other documents.

As used in this chapter, the singular shall take the plural and any gender, the other, as the context requires.

NEW SECTION, Sec. 3. A new section is added to chapter 42.17 RCW to read as follows:

Coincident with publishing its ratings or recommendations of a candidate or ballot proposition, the politically active nonprofit organization shall file a report with the commission. The report shall include the following:

(1) The name and address of each person who has paid any fee or dues or has made any contribution in the aggregate of one hundred dollars or more to the organization during the current calendar year;

(2) All costs associated with the development and publication of the ratings or recommendations;

(3) The names, addresses, and titles of the organization's officers; or if it has no officers, the names, addresses, and titles of those individuals principally involved in the formulation of the ratings or recommendations; and

(4) Such other information as the commission prescribes by rule."

#### POINT OF ORDER

Senator Talmadge: "Mr. President, I raise the point of order that the amendment to the committee amendment expands the scope and object of Substitute House Bill No. 244. The bill is really one calculated to deal with exemptions to public disclosure under the Freedom of Information Act a portion of the Public Disclosure Act. This particular amendment deals with something that is more involved in the political sphere and I believe it expands the scope and object of the bill."

Debate ensued.

#### MOTION

On motion of Senator Bottiger, further consideration of Substitute House Bill No. 244 was deferred.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 324, by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Fisher, Madsen, Vekich, Pruitt and Fitch)

Revising public disclosure exemptions.

The bill was read the second time.

#### MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On page 3, strike everything on lines 15 through 24 and insert the following:

"(g) Financial and commercial information and records supplied by businesses during application for loans or program services provided by chapters 43.31, 43.63A, and 43.168 RCW."

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 324, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 324, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 324, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Brauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE HOUSE BILL NO. 324, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 419, by Committee on Judiciary (originally sponsored by Representatives Hargrove, Wineberry, Padden, Brekke, Holm, Patrick, Winsley, Brough, Silver and Moyer) (by request of Department of Social and Health Services)

Providing for administrative determination of paternity.

The bill was read the second time.

#### MOTION

Senator Talmadge moved that the following Committee on Judiciary amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. The state of Washington through the department of social and health services is required by state and federal statutes to provide paternity establishment services. These statutes require that reasonable efforts to establish paternity be made, if paternity of the child is in question, in all public assistance cases and whenever such services are requested in nonassistance cases.

The increasing number of children being born out of wedlock together with improved awareness of the benefits to the child and society of having paternity established have resulted in a greater demand on the existing judicial paternity establishment system.

Sec. 2. Section 23, chapter 171, Laws of 1979 ex. sess. and RCW 74.20A.280 are each amended to read as follows:

While discharging its responsibilities to enforce the support obligations of responsible parents, the department shall respect the right of privacy of recipients of public assistance and of other persons. Any inquiry about sexual activity shall be limited to that necessary to ~~((resolve a genuine dispute about the parentage of a child. When a custodial mother has informed the department that a particular man is the father of her child, the department shall make no further inquiry into her personal life unless the man so identified has denied that he is the father of such child))~~ identify and locate possible fathers and to gather facts needed in the adjudication of parentage.

NEW SECTION, Sec. 3. The department of social and health services shall augment its present paternity establishment services through the hiring of additional assistant attorneys general, or contracting with prosecutors or private attorneys licensed in the state of Washington in those judicial districts experiencing delay or an accumulation of unserved paternity cases. The employment of private attorneys shall be limited in scope to renewable six-month periods in judicial districts where the prosecutor or the attorney general cannot provide adequate, cost-effective service. The department of social and health services shall provide a written report of the circumstances requiring employment of private attorneys to the judiciary committees of the senate and house of representatives and provide copies of such reports to the office of the attorney general and to the Washington association of prosecuting attorneys.

NEW SECTION, Sec. 4. The sum of four hundred sixty-seven thousand seven hundred eighty-seven dollars, or so much thereof as may be necessary, is appropriated from the general fund to the department of social and health services for the office of support enforcement for the biennium ending June 30, 1989, to carry out the required paternity establishment services.

Pursuant to RCW 26.26.060(2), the office of support enforcement within the department of social and health services shall utilize this appropriation for ensuring that full paternity services are provided as mandated by federal and state law."

Debate ensued.

#### POINT OF INQUIRY

Senator Hansen: "Senator Talmadge, I've known a few couples--and I've had them report to me--that ran out of work, couldn't feed their children and couldn't qualify for assistance as long as he was around there, so he would leave and she would get assistance to keep the kids from starving to death and then have the courts turn around and land him in the slammer, because he couldn't pay child support after he left. I think--is this going to answer that problem at all or are you just going to put him in the slammer?"

Senator Talmadge: "Senator, this is kind of a different issue. The whole area of child support is very controversial. The other three of the four measures dealing with child support are on hold and I think some people want to take a look at those issues and that's something that is perfectly appropriate given the controversy associated with them.

"What we have here is a little bit different problem. When someone comes into the local community service office and says, 'I need aid to families with dependent children, because I have a child and I am without any other means of support'--where there is some opportunity to discover who the father of the child is, the state has an interest in that and pursuing that individual for child support purposes. This simply sets up the process by which you determine who is the father of that child and who must pay child support. This is a much simpler way of doing it and is very consistent with what is being done all over the state and I believe, in fact, your prosecutors over in the central part of the state have been very good about entering into contracts with the Office of Support Enforcement to do this. I, personally, feel there is a greater protection to all of the individuals concerned, if it is done in the Superior Court rather than if it's done on a paper hearing basis in some administrative office."

The President declared the question before the Senate to be adoption of the Committee on Judiciary amendment.

The motion by Senator Talmadge carried and the committee amendment was adopted.

#### MOTIONS

On motion of Senator Talmadge, the following title amendment was adopted:

On page 1, line 1 of the title, after "paternity;" strike the remainder of the title and insert "amending RCW 74.20A.280; creating new sections; and making an appropriation."

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 419, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 419, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 419, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE HOUSE BILL NO. 419, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 614, by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Fisher, Madsen, Miller, Fisch, Crane and Unsoeld)

Revising laws on absentee voters.

The bill was read the second time.

#### MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendments were considered simultaneously and adopted:

On page 2, line 12, after "Washington" strike "temporarily"

On page 2, line 16, after "Washington" strike "temporarily"

On motion of Senator Talmadge, the following amendments by Senators Talmadge, Newhouse, Nelson and Halsan were considered simultaneously and adopted:

On page 2, line 25, after "1973" strike "cc-21" and insert "ff-6"

On page 7, line 2, after "under" strike "42 U.S.C. 1973 dd-2b" and insert "39 U.S.C. 3406"

#### MOTION

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 614, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### MOTION

On motion of Senator Bender, Senator McDermott was excused.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 614, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 614, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Boltiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vogt, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senator West - 1.

Excused: Senator McDermott - 1.

SUBSTITUTE HOUSE BILL NO. 614, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Zimmerman, Senator Hayner was excused.

#### SECOND READING

HOUSE BILL NO. 753, by Representatives Locke, Padden, Armstrong and Scott (by request of Sentencing Guidelines Commission)

Classifying criminal mistreatment for sentencing purposes.

The bill was read the second time.

#### MOTION

On motion of Senator Talmadge, the rules were suspended, House Bill No. 753 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 753.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 753 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Lee - 1.

Excused: Senators Hayner, McDermott - 2.

HOUSE BILL NO. 753, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1204, by Representatives Locke, Niemi, Armstrong, Patrick, Wineberry, P. King and Holm

Establishing multiple incidents of sexual abuse as an aggravating circumstance for an exceptional sentence.

The bill was read the second time.

#### MOTION

On motion of Senator Talmadge, the rules were suspended, House Bill No. 1204 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1204.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1204 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator McDermott - 1.

HOUSE BILL NO. 1204, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 782, deferred earlier today.

#### MOTIONS

On motion of Senator Rasmussen, the following amendment was adopted:

On page 4, after line 20, insert the following:

"Sec. 3. Section 15, chapter 1, Laws of 1973 as amended by section 10, chapter 147, Laws of 1982 and RCW 42.17.150 are each amended to read as follows:

(1) Before doing any lobbying, or within thirty days after being employed as a lobbyist, whichever occurs first, a lobbyist shall register by filing with the commission a lobbyist registration statement, in such detail as the commission shall prescribe, showing:

(a) His name, permanent business address, and any temporary residential and business addresses in Thurston county during the legislative session;

(b) The name, address and occupation or business of the lobbyist's employer;

(c) The duration of his employment;

(d) His compensation for lobbying; how much he is to be paid for expenses, and what expenses are to be reimbursed; ~~((and a full and particular description of any agreement, arrangement, or understanding according to which his compensation, or any portion thereof, is or will be contingent upon the success of any attempt to influence legislation.))~~

(e) Whether the person from whom he receives said compensation employs him solely as a lobbyist or whether he is a regular employee performing services for his employer which include but are not limited to the influencing of legislation;

(f) The general subject or subjects of his legislative interest;

(g) A written authorization from each of the lobbyist's employers confirming such employment;

(h) The name and address of the person who will have custody of the accounts, bills, receipts, books, papers, and documents required to be kept under this chapter;

(i) If the lobbyist's employer is an entity (including, but not limited to, business and trade associations) whose members include, or which as a representative entity undertakes lobbying activities for, businesses, groups, associations, or organizations, the name and address of each member of such entity or person represented by such entity whose fees, dues, payments, or other consideration paid to such entity during either of the prior two years have exceeded five hundred dollars or who is obligated to or has agreed to pay fees, dues, payments, or other consideration exceeding five hundred dollars to such entity during the current year.

(2) Any lobbyist who receives or is to receive compensation from more than one person for his services as a lobbyist shall file a separate notice of representation with respect to each such person; except that where a lobbyist whose fee for acting as such in respect to the same legislation or type of legislation is, or is to be, paid or contributed to by more than one person then such lobbyist may file a single statement, in which he shall detail the name, business address and occupation of each person so paying or contributing, and the amount of the respective payments or contributions made by each such person.

(3) Whenever a change, modification, or termination of the lobbyist's employment occurs, the lobbyist shall, within one week of such change, modification or termination, furnish full information regarding the same by filing with the commission an amended registration statement.

(4) Each lobbyist who has registered shall file a new registration statement, revised as appropriate, on the second Monday in January of each odd-numbered year, and failure to do so shall terminate his registration.

Sec. 4. Section 23, chapter 1, Laws of 1973 as amended by section 14, chapter 147, Laws of 1982 and RCW 42.17.230 are each amended to read as follows:

A person required to register as a lobbyist under this chapter shall also have the following obligations, the violation of which shall constitute cause for revocation of his registration, and may subject such person, and such person's employer, if such employer aids, abets, ratifies, or confirms any such act, to other civil liabilities, as provided by this chapter:

(1) Such persons shall obtain and preserve all accounts, bills, receipts, books, papers, and documents necessary to substantiate the financial reports required to be made under this chapter for a period of at least five years from the date of the filing of the statement containing such items, which accounts, bills, receipts, books, papers, and documents shall be made available for inspection by the commission at any time: PROVIDED, That if a lobbyist is required under the terms of his employment contract to turn any records over to his employer, responsibility for the preservation of such records under this subsection shall rest with such employer.

(2) In addition, a person required to register as a lobbyist shall not:

(a) Engage in any activity as a lobbyist before registering as such;

(b) Knowingly deceive or attempt to deceive any legislator as to any fact pertaining to any pending or proposed legislation;

(c) Cause or influence the introduction of any bill or amendment thereto for the purpose of thereafter being employed to secure its defeat;

(d) Knowingly represent an interest adverse to any of his employers without first obtaining such employer's written consent thereto after full disclosure to such employer of such adverse interest;

(e) Exercise any undue influence, extortion, or unlawful retaliation upon any legislator by reason of such legislator's position with respect to, or his vote upon, any pending or proposed legislation;

(f) Enter into any agreement, arrangement, or understanding according to which his or her compensation, or any portion thereof, is or will be contingent upon the success of any attempt to influence legislation.\*

On motion of Senator Talmadge, the following title amendments were considered simultaneously and adopted:

On page 1, line 2, strike "42.17.170 and 42.17.180" and insert "42.17.150, 42.17.170, 42.17.180 and 42.17.230"

On line 1 of the title, after "lobbyists;" strike "and"

On line 2 of the title, after "42.17.180" insert"; and adding a new section to chapter 42.17 RCW"

## MOTION

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 782, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 782, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 782, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vogt, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senator Pullen - 1.

Absent: Senator McDonald - 1.

Excused: Senator McDermott - 1.

SUBSTITUTE HOUSE BILL NO. 782, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 99 and the pending Committee on Financial Institutions striking amendment, deferred April 9, 1987.

Debate on the committee amendment ensued.

The President declared the question before the Senate to be adoption of the Committee on Financial Institutions amendment.

The motion by Senator Moore carried and the committee amendment was adopted.

## MOTION

On motion of Senator Moore, the following title amendment was adopted:

On page 1, line 2 of the title, after "uninsurable," strike the remainder of the title and insert "adding a new section to chapter 48.14 RCW; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 48 RCW; creating a new section; and declaring an emergency."

## MOTION

On motion of Senator Moore, the rules were suspended, Engrossed Substitute House Bill No. 99, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Moore, this bill exempts the premiums of the pool from premium taxes and provides certain deductions and assessments from business and occupation taxes. Do you have any idea if that will impact the general fund or not? No, it won't--yes it will because, the Insurance Commissioner's premium taxes go into the general fund. Do you have any idea what that amount will be?"

Senator Moore: "I think, Senator, that since they are not getting insurance now, that there's no impact, if I understand the question."

Senator Rasmussen: "Well, we don't know if they are getting insurance or not."

Senator Moore: "Excuse me, Senator, these people cannot get insurance and that is the reason this is somewhat of an emergency."

Senator Rasmussen: "So, that is your reason you say it will not impact the general fund, because at the present time they are not buying this insurance--it's not available?"

Senator Moore: "That's correct."

## POINT OF INQUIRY

Senator Bluechel: "Senator Moore, as I understand it, this program is set up for those people who cannot get insurance at the present time. Does that include insurance for AIDS?"

Senator Moore: "This would include anybody that was unable to get insurance. They would be eligible, under the rules the Insurance Commissioner sets up. They would be eligible to be insured."

Senator Bluechel: "How is the cost determined on something like this?"

Senator Moore: "It's going to be eventually determined actuarially. To start with, the premium will probably be one hundred and fifty percent of what the normal premium is."

Senator Bluechel: "It would seem to me that won't even begin to cover some of the problems that people have with very serious diseases, including AIDS or cancer or something like that--that the premium couldn't even start. Is this realistic?"

Senator Moore: "Senator Bluechel, there are a lot of things we do around here that, perhaps, are not totally realistic. We do make some brave, bold, new attempts to solve problems and I trust that this is one and if it isn't perfect, you know we will be back in January to take another look."

President Pro Tempore Rasmussen assumed the chair.

Further debate on Engrossed Substitute House Bill No. 99, as amended by the Senate, ensued.

## POINT OF INQUIRY

Senator Metcalf: "Senator McDermott, in our committee, I was one of the ones who signed this bill out and I would have preferred it to go to Ways and Means. The question that Senator Bluechel asked is one that, does this include AIDS and if it does, what are the costs? I think Senator Moore's statement that 'well, we can come back and tune it up next year,' but next year, once we adopt a program, maybe then there are people who would have a legal right to that program and it isn't so easy to come back and fix it up next year. I'd like to know what are the costs that we are talking about here?"

Senator McDermott: "Well, Senator, you asked several questions. Let me talk about a couple of them. First of all, this bill has a six month waiting period in it, so people can't immediately come walking in with a serious illness and immediately get coverage. If people have AIDS, the problems are usually so acute that they are going to be dealt with in a public hospital. Right now, most of the AIDS cases are taken care of at public expense in public hospitals. The costs originally--in fact in the east, the costs now are in the hundreds of thousands of dollars, but in the west we have been treating them at much less than that and it has been done by using a variety of things besides in-hospital care, there have been half-way houses and a variety of other studies in which people can be cared for who have AIDS. AIDS is one hundred percent fatal. When people get it, there hasn't been anybody who has recovered from it and so the situation is really of caring for the dying patient--much like we do in a hospital.

"The costs presently are being paid for by the public, in most instances, because most people's insurance runs out with the cost of this. The people who have been getting it have been young people who are not insured and this is an opportunity for people to actually buy insurance, who know that they have some kind of illness--some kind of chronic disease. I think, in the long run, that it will be much less costly to the public, because it will be including in it the contribution from the patients themselves who bought the insurance. Right now, if they get sick, they wind up in a public hospital and we are paying for it without any contribution from the patient at all. I think, in the long run, this will be a less costly way to go."

Further debate ensued.

## POINT OF INQUIRY

Senator Deccio: "Senator Moore, I am just curious. On page 26, it says 'the plan includes and subsection (4) premiums set at one hundred and fifty percent of the standard group rate set for groups up to ten persons.' Does that establish the premium or the rate?"

Senator Moore: "That is a starting point, however, you'll notice that in the legislation it does refer to a board of directors making a final establishment based on their actuarial findings. You know one hundred and fifty percent might be the opening and it may be five hundred percent or maybe it will be fifty percent, but it will be based on some actuarial finding as we progress."

Senator Deccio: "Well, that was what I was getting at and that answers Senator Metcalf's concerns. The pool will set its own experience and set its own rate and could be as high as five hundred percent of the standard for groups of five, if I understand what the legislation does."

Senator Moore: "Exactly right."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 99, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 99, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 4.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vogt, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senators Barr, Benitz, Hayner, Metcalf - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 99, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 164, by Committee on Ways and Means/Appropriations (originally sponsored by Representatives Locke, Niemi, Allen, Fisch, Brekke, O'Brien, Nutley, Belcher, Wang, Jacobsen, Lux, Nelson and Dellwo)

Providing funding for the Washington housing trust fund.

The bill was read the second time.

#### MOTIONS

Senator Warnke moved that the following Committee on Commerce and Labor amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 19, chapter 222, Laws of 1951 as last amended by section 44, chapter 52, Laws of 1957 and RCW 18.85.310 are each amended to read as follows:

(1) Every licensed real estate broker shall keep adequate records of all real estate transactions handled by or through him. The records shall include, but are not limited to, a copy of the earnest money receipt, and an itemization of the broker's receipts and disbursements with each transaction. These records and all other records hereinafter specified shall be open to inspection by the director or his authorized representatives.

(2) Every real estate broker shall also deliver or cause to be delivered to all parties signing the same, at the time of signing, conformed copies of all earnest money receipts, listing agreements and all other like or similar instruments signed by the parties, including the closing statement.

(3) Every real estate broker shall also keep separate real estate fund accounts in a recognized Washington state depository authorized to receive funds in which shall be kept separate and apart and physically segregated from licensee broker's own funds, all funds or moneys of clients which are being held by such licensee broker pending the closing of a real estate sale or transaction, or which have been collected for said client and are being held for disbursement for or to said client and such funds shall be deposited not later than the first banking day following receipt thereof.

(4) Separate accounts comprised of clients' funds required to be maintained under this section, with the exception of property management trust accounts, shall be interest-bearing accounts from which withdrawals or transfers can be made without delay, subject only to the notice period which the depository institution is required to reserve by law or regulation.

(5) Every real estate broker shall maintain a pooled interest-bearing escrow account for deposit of client funds, with the exception of property management trust accounts, which are

nominal or short term. As used in this section, a "nominal or short term" deposit is a deposit which, if placed in a separate account, would not produce positive net interest income after payment of bank fees, or other institution fees, and other administrative expenses.

The interest accruing on this account, net of any reasonable transaction costs, shall be paid to the state treasurer for deposit in the Washington housing trust fund created in RCW 43.185.030. An agent may, but shall not be required to, notify the client of the intended use of such funds.

(6) All client funds not deposited in the account specified in subsection (5) of this section shall be deposited in:

(a) A separate interest-bearing trust account for the particular client or client's matter on which the interest will be paid to the client; or

(b) A pooled interest-bearing trust account with subaccounting that will provide for computation of interest earned by each client's funds and the payment thereof to the client.

The department of licensing shall promulgate regulations which will serve as guidelines in the choice of an account specified in subsection (5) of this section or an account specified in this subsection.

(7) For an account created under subsection (5) of this section, an agent shall direct the depository institution to:

(a) Remit interest or dividends, net of any reasonable service charges or fees, on the average monthly balance in the account, or as otherwise computed in accordance with an institution's standard accounting practice, at least quarterly, to the state treasurer for deposit in the housing trust fund created by RCW 43.185.030 and the real estate commission account created by RCW 18.85.220 as directed by section 10 of this 1987 act; and

(b) Transmit to the director of community development a statement showing the name of the person or entity for whom the remittance is spent, the rate of interest applied, and the amount of service charges deducted, if any, and the account balance(s) of the period in which the report is made, with a copy of such statement to be transmitted to the depositing person or firm.

(8) The director shall forward a copy of the reports required by subsection (7) of this section to the department of licensing to aid in the enforcement of the requirements of this section consistent with the normal enforcement and auditing practices of the department of licensing.

(9) This section does not relieve any real estate broker from any obligation with respect to the safekeeping of clients' funds.

(10) Any violation by a real estate broker of any of the provisions of this section, or RCW 18.85.230, shall be grounds for revocation of the licenses issued to the broker.

Sec. 2. Section 11, chapter 298, Laws of 1986 and RCW 43.185.100 are each amended to read as follows:

The department shall have the authority to promulgate rules pursuant to chapter 34.04 RCW, regarding the grant and loan process, and the substance of eligible projects, consistent with this chapter. The department shall consider the recommendations of cities and counties regarding how the funds shall be used in their geographic areas.

NEW SECTION. Sec. 3. A new section is added to chapter 43.185 RCW to read as follows:

The director shall prepare an annual report and shall send copies to the chair of the house of representatives committee on housing, the chair of the senate committee on commerce and labor, and one copy to the staff of each committee that summarizes the housing trust fund's income, grants and operating expenses, implementation of its program, and any problems arising in the administration thereof. The director shall promptly appoint a low income housing assistance advisory committee composed of a representative from each of the following groups: Apartment owners, realtors, mortgage lending or servicing institutions, private non-profit housing assistance programs, tenant associations, and public housing assistance programs. The advisory group shall advise the director on housing needs in this state, operational aspects of the grant and loan program or revenue collection programs established by this chapter, and implementation of the policy and goals of this chapter.

Sec. 4. Section 1, chapter 298, Laws of 1986 and RCW 43.185.010 are each amended to read as follows:

The legislature finds that current economic conditions, federal housing policies and declining resources at the federal, state, and local level adversely affect the ability of low and very low-income persons to obtain safe, decent, and affordable housing.

The legislature further finds that members of over one hundred twenty thousand households live in housing units which are overcrowded, lack plumbing, are otherwise threatening to health and safety, and have rents and utility payments which exceed thirty percent of their income.

The legislature further finds that the homeless, minorities, rural households, and migrant farm workers require housing assistance at a rate which significantly exceeds their proportion of the general population.

The legislature further finds that one of the most dramatic housing ((needs)) problems is that of persons ((needing special housing-related services)) with specialized housing needs,

such as the mentally ill, recovering alcoholics, frail elderly persons, and single parents. ~~((These services include medical assistance, counseling, chore services, and child care.))~~

The legislature further finds that housing assistance programs in the past have often failed to help those in greatest need.

The legislature declares that it is in the public interest to establish a continuously renewable resource known as a housing trust fund to assist low and very low-income citizens in meeting their basic housing needs, and that the needs of very low-income citizens should be given priority.

Sec. 5. Section 6, chapter 298, Laws of 1986 and RCW 43.185.050 are each amended to read as follows:

(1) The department shall use funds from the housing trust fund to finance in whole or in part any loans or grant projects that will provide housing for the homeless and persons and families with special housing needs and with incomes at or below fifty percent of the median family income for the county or standard metropolitan statistical area where the project is located. Not less than thirty percent of such funds used in any given biennium shall be for the benefit of projects located in rural areas as defined in 63 Stat. 432, 42 U.S.C. Sec. 1471 et seq.

(2) Activities eligible for assistance include, but are not limited to:

(a) New construction, rehabilitation, or acquisition of low and very low-income housing units;

(b) Rent subsidies in new construction or rehabilitated multifamily units;

~~(c) ((Matching funds for social services directly related to providing housing for special-need tenants in assisted projects;~~

~~((d)) Technical assistance, design and finance services and consultation, and administrative costs for eligible nonprofit community or neighborhood-based organizations, so long as said assistance is directed toward construction or rehabilitation of housing;~~

~~((e)) ((d)) Administrative costs for housing assistance groups or organizations when such grant or loan will substantially increase the recipient's access to housing funds other than those available under this chapter;~~

~~((f)) ((e)) Shelters and related services for the homeless;~~

~~((g)) ((f)) Mortgage subsidies for new construction or rehabilitation of eligible multifamily units;~~

~~((h)) ((g)) Mortgage insurance guarantee or payments for eligible projects; and~~

~~((i)) ((h)) Acquisition of housing units for the purpose of preservation as low-income or very low-income housing.~~

Sec. 6. Section 2, chapter 298, Laws of 1986 and RCW 43.185.030 are each amended to read as follows:

There is hereby created a fund in the office of the treasurer known as the Washington housing trust fund. ~~((The treasurer shall serve as the trustee thereof and shall make disbursements therefrom as directed by this chapter.))~~ The housing trust fund shall include revenue from the sources established by this chapter, appropriations by the legislature, private contributions, and all other sources. Eighty percent of the return on the fund in the form of investment income or interest shall be added to the principal of the fund. The remaining twenty percent shall be placed in the general fund.

Sec. 7. Section 19, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.190 are each amended to read as follows:

Unclaimed prizes shall be retained in the state lottery ~~((fund))~~ account for the person entitled thereto for one hundred eighty days after the drawing in which the prize is won. If no claim is made for the prize within this time, the prize shall be ~~((retained in the state lottery fund for further use as prizes))~~ placed in the housing trust fund established by RCW 43.185.030 and all rights to the prize shall be extinguished.

Sec. 8. Section 24, chapter 7, Laws of 1982 2nd ex. sess. as amended by section 5, chapter 375, Laws of 1985 and RCW 67.70.240 are each amended to read as follows:

The moneys in the state lottery account shall be used only: (1) For the payment of prizes to the holders of winning lottery tickets or shares; (2) for purposes of making deposits into the reserve account created by RCW 67.70.250 and into the lottery administrative account created by RCW 67.70.260; (3) for purposes of making deposits into the state's general fund; (4) for purposes of making deposits into the housing trust fund under the provisions of section 7 of this 1987 act; (5) for the purchase and promotion of lottery games and game-related services; and ~~((6))~~ (6) for the payment of agent compensation.

The office of financial management shall require the allotment of all expenses paid from the account and shall report to the ways and means committees of the senate and house of representatives any changes in the allotments.

NEW SECTION. Sec. 9. A new section is added to chapter 18.85 RCW to read as follows:

There is hereby created the broker's trust account board to consist of seven members as follows:

(1) The governor shall appoint six members with at least two residing east of the Cascade range of mountains. The governor may review nominations from the Washington association of realtors, private, nonprofit housing assistance programs, and any state-wide association of

public housing authorities. Three of these appointments shall be real estate brokers or salespersons licensed under chapter 18.85 RCW. The governor shall attempt to maintain a balance of interests represented through the choice of appointees.

(2) The real estate commission, created under this chapter, shall appoint one member.

(3) Members shall serve for terms of three years expiring on January 15: PROVIDED, HOWEVER, That of the members appointed by the governor, two shall be appointed for a term of one year, two for a term of two years, and two for a term of three years. Any vacancy occurring in the membership of the board shall be filled for the remainder of the unexpired term by the individual or entity responsible for the original appointment.

Members shall serve without compensation.

NEW SECTION. Sec. 10. A new section is added to chapter 18.85 RCW to read as follows:

Remittances received by the treasurer pursuant to RCW 18.85.310 shall be divided between the housing trust fund created by RCW 43.185.030, which shall receive seventy-five percent and the real estate commission account created by RCW 18.85.220, which shall receive twenty-five percent.

NEW SECTION. Sec. 11. A new section is added to chapter 18.85 RCW to read as follows:

The broker's trust account board shall review grant and loan applications placed before it by the director for final approval pursuant to section 12 of this act.

The decisions of the board shall be subject to the provisions of RCW 43.185.050, 43.185.060, and 43.185.070 with regard to eligible activities, eligible recipients, and criteria for evaluation.

The broker's trust account board shall serve in an advisory capacity to the real estate commission with regard to licensee education programs established pursuant to RCW 18.85.040 and 18.85.220.

NEW SECTION. Sec. 12. A new section is added to chapter 18.85 RCW to read as follows:

The director shall designate grant and loan applications for approval and for funding under the revenue from remittances made pursuant to RCW 18.85.310. These applications shall then be reviewed for final approval by the broker's trust account board created by section 9 of this act.

The director shall submit to the broker's trust account board within any fiscal year only such applications which in their aggregate total funding requirements do not exceed the revenue to the housing trust fund from remittances made pursuant to RCW 18.85.310 for the previous fiscal year.

NEW SECTION. Sec. 13. There is hereby appropriated from the housing trust fund to the department of community development for the biennium ending June 30, 1989, the sum of twelve million dollars, or so much thereof as shall be necessary, to implement the purposes of chapter 43.185 RCW.

NEW SECTION. Sec. 14. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 15. This act does not apply to public corporations created by chapter 35.82 RCW until October 1, 1988.

NEW SECTION. Sec. 16. This act shall take effect January 1, 1988."

On motion of Senator Kiskaddon, the following amendment to the Committee on Commerce and Labor amendment was adopted:

On page 6, line 2, strike "reallors" and insert "licensed real estate brokers or salespersons"

Senator Craswell moved that the following amendment to the Committee on Commerce and Labor amendment be adopted:

On page 9, beginning on line 33, strike all of section 7 through line 13, on page 10 and renumber the remaining sections

Debate ensued.

Senator Warnke demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendment by Senator Craswell to the Committee on Commerce and Labor amendment.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Craswell carried and the amendment to the committee amendment was adopted by the following vote: Yeas, 26; nays, 23.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Craswell, Deccio, Garrett, Gaspard, Hayner, Johnson, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, West, Zimmerman - 26.

Voting nay: Senators Bauer, Bottiger, Conner, DeJarnatt, Fleming, Halsan, Hansen, Kiskaddon, Kreidler, McDermott, Moore, Owen, Patterson, Peterson, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognlid, Warnke, Williams, Wojahn - 23.

The President Pro Tempore declared the question before the Senate to be adoption of the Committee on Commerce and Labor amendment, as amended.

The motion by Senator Warnke carried, and the Committee on Commerce and Labor amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Warnke, the following title amendment was adopted:

On page 1, line 1 of the title, after "fund;" strike the remainder of the title and insert "amending RCW 18.85.310, 43.185.100, 43.185.010, 43.185.050, 43.185.030, 67.70.190, and 67.70.240; adding a new section to chapter 43.185 RCW; adding new sections to chapter 18.85 RCW; creating a new section; making an appropriation; and providing an effective date."

On motion of Senator Warnke, the rules were suspended, Engrossed Second Substitute House Bill No. 164, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

President Cherberg assumed the chair.

#### POINT OF INQUIRY

Senator McCaslin: "Senator Talmadge, do you have two trust accounts?"

Senator Talmadge: "No, my office has one single trust account for all eighty some lawyers that are in the office."

Further debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator McCaslin, my question was, if I come to you and we are in a real estate transaction and you tell me 'well, I don't want any cash, give me a note.' You know, the guy is good for his note; there would be no interest on the note, would there?"

Senator McCaslin: "No, Sir, there would not be."

Senator Rasmussen: "Wouldn't that be a good way of handling it?"

Senator McCaslin: "Well, you could, but notes are as good as the paper they are written on, Senator."

Senator Rasmussen: "Well, that depends. If I give you a note, I would think it was good."

Senator McCaslin: "Well, I know you and I know you are good for it, Senator. But, others--"

Senator Rasmussen: "But, out of the explanation that Senator Bottiger has given you, he says that if the client wants that interest, he can claim it."

Senator McCaslin: "Not to my knowledge. If one of the real estate attorneys in here would like to get up and dispute that--not to my knowledge."

Senator Rasmussen: "Senator Bottiger, he's a real estate attorney."

Senator McCaslin: "Well, then he would have to answer that question, but what Senator Bottiger forgot to tell you is that we are audited once a year and I don't believe attorney's trust accounts are audited by the state. They are now? When did they start that Phil? Good."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute House Bill No. 164, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute House Bill No. 164, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; nays, 10.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 39.

Voting nay: Senators Benitz, Cantu, Craswell, Deccio, Hansen, McCaslin, Metcalf, Pullen, Rasmussen, West - 10.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 164, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 476 and three pending amendments, one by Senator Bottiger on page 6, line 9, and two by Senators Metcalf and Fleming, both on page 6, line 9, deferred April 10, 1987.

#### RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator West, the President finds that Substitute House Bill No. 476 is a measure making technical amendments to the banking code and the Washington Land Bank Act.

"The amendment proposed by Senator Bottiger restricts the state treasurer from using certain financial institutions as public depositories if they contribute to political committees other than those in the name of the institution.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senator Bottiger was ruled out of order.

#### RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator West, the President finds that Substitute House Bill No. 476 is a measure making technical amendments to the banking code and the Washington Land Bank Act.

"The amendment proposed by Senators Metcalf and Fleming amends one section of the Interstate Banking Law by allowing the supervisor of banking to disapprove acquisitions under certain circumstances.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senator Metcalf and Fleming was ruled out of order.

#### RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator West, the President finds that Substitute House Bill No. 476 is a measure making technical amendments to the banking code and the Washington Land Bank Act.

"The amendment proposed by Senators Metcalf and Fleming amends two sections of the Interstate Banking Law by allowing the supervisor of banking to enter into cooperative agreements with other states for periodic examinations of interstate banks.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senator Metcalf and Fleming was ruled out of order.

#### MOTIONS

On motion of Senator Moore, the following title amendments were considered simultaneously and adopted:

On page 1, line 3 of the title, after "30.08 RCW;" strike "and" and insert "adding new sections to chapter 31.30 RCW;"

On page 1, line 5 of the title, after "30.23.901" insert "; and prescribing penalties"

On motion of Senator Moore, the rules were suspended, Substitute House Bill No. 476, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 476, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 476, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar,

Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE HOUSE BILL NO. 476, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 462, by Representatives Cantwell, Sprenkle, Braddock and Wang (by request of Department of Labor and Industries)

Changing provisions relating to industrial insurance payments and penalties.

The bill was read the second time.

#### MOTIONS

On motion of Senator Smitherman, the following amendment was adopted:

On page 2, after line 36, insert the following:

"Sec. 3. Section 1, chapter 266, Laws of 1981 as last amended by section 1, chapter 193, Laws of 1986 and RCW 51.12.045 are each amended to read as follows:

Offenders performing community services pursuant to court order or under RCW 13.40.080 may be deemed employees and/or workers under this title for purposes relating only to medical aid benefits under chapter 51.36 RCW, at the option of the state, county, city, town, or nonprofit organization under whose authorization the services are performed. Any premiums or assessments due under this title for community services work shall be the obligation of and be paid for by the state agency, county, city, town, or nonprofit organization for which the offender performed the community services. Coverage commences when a state agency, county, city, town, or nonprofit organization has given notice to the director that it wishes to cover offenders performing community services before the occurrence of an injury or contraction of an occupational disease."

Renumber the remaining section consecutively

On motion of Senator Smitherman, the following title amendment was adopted:  
On page 1, line 2 of the title, strike "and 51.48.270" and insert "51.48.270, and 51.12.045"

On motion of Senator Smitherman, the rules were suspended, House Bill No. 462, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 462, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 462, as amended by the Senate, and the bill passed the Senate by the following vote:  
Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

HOUSE BILL NO. 462, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 220, by Representatives R. King, McMullen, Winsley, Appelwick, Jacobsen, Allen, Crane, P. King, Sayan, Niemi, Fisher, Fisch and Lux

Extending collective bargaining provisions to printers at the University of Washington.

#### MOTION

Senator Warnke moved that the following amendment by Senators Warnke and West be adopted:

On page 1, after line 9, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 41.56 RCW to read as follows:

After the termination date of a collective bargaining agreement, all of its terms and conditions shall remain in effect until the execution of a successor agreement. This section shall not apply to collective bargaining agreements entered into under chapter 53.18 RCW, or in any case in which employees are authorized to enter into collective bargaining relations with their employers with all the rights and privileges as are accorded to similar employees in private industry, as provided in RCW 54.04.170 and 54.04.180."

## POINT OF ORDER

Senator Newhouse: "Mr. President, I raise the point of order that the amendment expands the scope and object of the bill. Very shortly, Mr. President, the bill is one having to do with a rather narrow title, collective bargaining with the University of Washington printers. The amendment expands the termination of all collective bargaining agreements for public employees."

Debate ensued.

## MOTION

On motion of Senator Vognild, further consideration of House Bill No. 220 was deferred.

## MOTION

On motion of Senator Vognild, the Senate reverted to the fifth order of business.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 404 by Committee on Ways and Means (originally sponsored by Representatives Appelwick, Taylor, Grimm and Holland) (by request of Governor Gardner)

Revising excise taxes.

Referred to Committee on Ways and Means.

ESHB 527 by Committee on Ways and Means (originally sponsored by Representatives Locke, Silver, Grimm and Holland) (by request of Governor Gardner)

Adopting the 1987-89 omnibus appropriations act.

Referred to Committee on Ways and Means.

## MOTION

At 8:08 p.m., on motion of Senator Vognild, the Senate adjourned until 8:00 a.m., Tuesday, April 14, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

## NINETY-THIRD DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Tuesday, April 14, 1987

The Senate was called to order at 8:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Barr, Bauer, Craswell, Fleming, Lee, McDermott, McDonald, Smitherman and West. On motion of Senator Zimmerman, Senator Lee was excused. On motion of Senator Bender, Senators Fleming, McDermott and Smitherman were excused.

The Sergeant at Arms Color Guard, consisting of Pages Linda Chen and Jeff Lustick, presented the Colors. Reverend Ronald W. Hastie, pastor of the Evergreen Christian Center of Olympia, offered the prayer.

#### MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

#### MESSAGE FROM THE GOVERNOR

April 13, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on April 13, 1987, Governor Gardner approved the following Senate Bills entitled:

Substitute Senate Bill No. 5014

Relating to weatherization of residences of low-income persons.

Senate Bill No. 5019

Relating to sewer and water districts.

Substitute Senate Bill No. 5046

Relating to insurance riders.

Senate Bill No. 5069

Relating to public service company budgets.

Senate Bill No. 5105

Relating to poisons.

Substitute Senate Bill No. 5170

Relating to agricultural fees and assessments.

Senate Bill No. 5247

Relating to the state board of education.

Senate Bill No. 5433

Relating to higher education programs leading to the certification of teachers.

Substitute Senate Bill No. 5565

Relating to the inventory control for certain fuel storage tanks of petroleum products.

Senate Bill No. 6038

Relating to the dispensing of legend drugs by kidney dialysis centers.

Sincerely,

TERRY SEBRING, Legal Counsel to the Governor

There being no objection, the President advanced the Senate to the sixth order of business.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 403, by Representatives Walk and Schmidt (by request of Department of Transportation)

Transferring responsibility for aircraft registration and excise tax collection to the department of transportation.

The bill was read the second time.

#### MOTION

On motion of Senator Vognild, the rules were suspended, Engrossed House Bill No. 403 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 403.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 403 and the bill passed the Senate by the following vote: Yeas, 40; absent, 5; excused, 4.

Voting yea: Senators Anderson, Bailey, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 40.

Absent: Senators Barr, Bauer, Craswell, McDonald, West - 5.

Excused: Senators Fleming, Lee, McDermott, Smitherman - 4.

ENGROSSED HOUSE BILL NO. 403, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Metcalf, Senator West was excused.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 415, by Committee on Transportation (originally sponsored by Representatives Dellwo, Padden, Walk, P. King and Amondson)

Authorizing approved alcohol/drug treatment agencies to obtain driving records.

The bill was read the second time.

#### MOTION

On motion of Senator Bender, the rules were suspended, Substitute House Bill No. 415 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 415.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 415 and the bill passed the Senate by the following vote: Yeas, 42; absent, 3; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 42.

Absent: Senators Bauer, McDonald, Zimmerman - 3.

Excused: Senators Fleming, Lee, Smitherman, West - 4.

SUBSTITUTE HOUSE BILL NO. 415, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 329 and the pending amendment by Senators Hansen, Bottiger, Newhouse and Barr on page 2, line 15, deferred April 13, 1987.

## RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Kreidler, the President finds that Substitute House Bill No. 329 is a measure expanding the membership of the State Conservation Commission by adding the Commissioner of Public Lands and the President of the Washington Association of Conservation Districts as ex-officio members.

"The amendment proposed by Senators Hansen, Bottiger, Newhouse and Barr provides procedures for the State Conservation Commission to investigate and remedy complaints regarding pollution from non-point agricultural activity.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senators Hansen, Bottiger, Newhouse and Barr was ruled out of order.

## MOTION

On motion of Senator Hansen, the rules were suspended, Substitute House Bill No. 329 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 329.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 329 and the bill passed the Senate by the following vote: Yeas, 43; absent, 2; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sailing, Sellar, Stratton, Talmadge, Tanner, Vognil, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Absent: Senators Bauer, McDonald - 2.

Excused: Senators Fleming, Lee, Smitherman, West - 4.

SUBSTITUTE HOUSE BILL NO. 329, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 388, by Committee on Environmental Affairs (originally sponsored by Representatives Rust, Allen, Valle, Cole, Unsoeld and Todd) (by request of Department of Ecology)

Changing provisions relating to wastewater treatment facilities.

The bill was read the second time.

## MOTIONS

On motion of Senator Kreidler, the following amendments by Senators Kreidler and Bluechel were considered simultaneously and adopted:

On page 4, line 25, after "~~(of ten dollars)~~," insert "Such application fee shall not exceed fifty dollars."

On page 4, line 32, after "field," insert "Such renewal fee shall not exceed thirty dollars."

On motion of Senator Kreidler, the rules were suspended, Substitute House Bill No. 388, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 388, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 388, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner,

Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Tanner, Vognil, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Fleming, Lee, Smitherman - 3.

SUBSTITUTE HOUSE BILL NO. 388, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION TO LIMIT DEBATE

Senator Bottiger: "Mr. President, I move that the members of the Senate be allowed to speak only once and be limited to three minutes on each motion or amendment, except that the mover of the motion shall be allowed to open and close debate, and also that members be prohibited from yielding their time and that this motion shall remain in effect through April 17, 1987."

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Bottiger that debate be limited to three minutes to each motion or amendment.

The motion by Senator Bottiger carried and debate was limited to three minutes through April 17, 1987.

#### MOTION

On motion of Senator Bender, Senators Bottiger and Kreidler were excused.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 465, by Committee on Commerce and Labor (originally sponsored by Representatives Wang, Patrick and Sayan) (by request of Department of Labor and Industries)

Changing provisions relating to wage claims.

The bill was read the second time.

#### MOTION

On motion of Senator Vognil, the rules were suspended, Engrossed Substitute House Bill No. 465 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 465.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 465 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Tanner, Vognil, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Excused: Senators Bottiger, Kreidler, Lee, Smitherman - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 465, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 643, by Representatives Beck and Haugen

Designating use of special assessments before bonds are issued by local improvement districts.

The bill was read the second time.

## MOTION

On motion of Senator Halsan, the rules were suspended, House Bill No. 643 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 643.

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 643 and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Tanner, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Absent: Senator Newhouse - 1.

Excused: Senators Bottiger, Kreidler, Lee, Smitherman - 4.

HOUSE BILL NO. 643, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 665, by Committee on Human Services (originally sponsored by Representatives Grimm, Locke, B. Williams, Dellwo, Brekke, Appelwick, Ebersole, Heavey, Niemi, Lewis, Pruitt, Leonard, Wang, H. Sommers, Winsley, Scott and Todd)

Establishing a pilot supplemental security income referral program.

The bill was read the second time.

## MOTION

On motion of Senator Wojahn, the rules were suspended, Engrossed Substitute House Bill No. 665 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 665.

## ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 665 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Tanner, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Excused: Senators Bottiger, Kreidler, Lee, Smitherman - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 665, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 669, by Committee on Local Government (originally sponsored by Representatives Zellinsky, Schmidt, Walk, Hargrove, C. Smith, Jacobsen, Fisch, Kremen, Fisher, Vekich, Hine, Gallagher, Scott, Haugen, Nutley, Beck, Bumgarner, Nealey, Ferguson, Hankins, Day, Dellwo, Meyers, S. Wilson, Basich, Patrick, Jesernig, P. King, May, Grant, Winsley and Betrozoff)

Authorizing law enforcement agencies to donate unclaimed bicycles to charitable organizations.

The bill was read the second time.

## MOTION

On motion of Senator Halsan, the rules were suspended, Substitute House Bill No. 669 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 669.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 669 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Tanner, Vogt, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Excused: Senators Bottiger, Kreidler, Lee, Smitherman - 4.

SUBSTITUTE HOUSE BILL NO. 669, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Second Substitute House Bill No. 684 and the pending amendment by Senators Talmadge and Nelson on page 30, line 11, to the Committee on Ways and Means amendment, deferred April 13, 1987.

Debate on the amendment to the committee amendment ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Talmadge and Nelson to the Committee on Ways and Means amendment.

The motion by Senator Talmadge carried and the amendment to the committee amendment was adopted.

## MOTION

Senator Craswell moved that the following amendment to the Committee on Ways and Means amendment be adopted:

On page 17, after line 9, insert the following:

"Sec. 6. Section 1, chapter 14, Laws of 1975 1st ex. sess. as amended by section 1, chapter 123, Laws of 1981 and RCW 9A.44.010 are each amended to read as follows:

As used in this chapter:

(1) "Sexual intercourse" (a) has its ordinary meaning and occurs upon any penetration, however slight, and

(b) Also means any penetration of the vagina or anus however slight, by an object, when committed on one person by another, whether such persons are of the same or opposite sex, except when such penetration is accomplished for medically recognized treatment or diagnostic purposes, and

(c) Also means any act of sexual contact between persons involving the sex organs of one person and the mouth or anus of another whether such persons are of the same or opposite sex.

(2) "Married" means one who is legally married to another, but does not include a person who is living separate and apart from his or her spouse and who has filed in an appropriate court for legal separation or for dissolution of his or her marriage.

(3) "Mental incapacity" is that condition existing at the time of the offense which prevents a person from understanding the nature or consequences of the act of sexual intercourse whether that condition is produced by illness, defect, the influence of a substance or from some other cause;

(4) "Physically helpless" means a person who is unconscious or for any other reason is physically unable to communicate unwillingness to an act;

(5) "Forcible compulsion" means physical force which overcomes resistance, or a threat, express or implied, that places a person in fear of death or physical injury to herself or himself or another person, or in fear that she or he or another person will be kidnapped;

(6) "Consent" means that at the time of the act of sexual intercourse there are actual words or conduct indicating freely given agreement to have sexual intercourse;

(7) "Counselor" means an individual, practitioner, therapist, or analyst who engages in the practice of counseling to the public with or without a fee.

Sec. 7. Section 6, chapter 14, Laws of 1987 1st ex. sess. as amended by section 3, chapter 244, Laws of 1979 ex. sess. and RCW 9A.44.060 are each amended to read as follows:

(1) A person is guilty of rape in the third degree when, under circumstances not constituting rape in the first or second degrees, such person engages in sexual intercourse with another person, not married to the perpetrator:

(a) Where the victim did not consent as defined in RCW 9A.44.010(6), to sexual intercourse with the perpetrator and such lack of consent was clearly expressed by the victim's words or conduct, or

(b) Where there is threat of substantial unlawful harm to property rights of the victim, or

(c) Where the perpetrator gained the consent of the victim through the relationship of serving as a counselor to the victim.

(2) Rape in the third degree is a class C felony."

#### POINT OF INQUIRY

Senator Halsan: "Senator Craswell, being a criminal practitioner myself, I look at these things rather carefully. When we deal with consent in laws relating to rape, specifically, the one provision that we do have is that if a victim was incapable of consent by reason of being helpless or mentally incapacitated, that's dealing with a person who is being taken advantage of because they are retarded or some other type of helpless situation. In this situation, we have a person who is a counselor and the language that you have on page 2, where the perpetrator has gained the consent of the victim through the relationship of serving as a counselor to the victim, by implication that's stating that the person is incapable of consent because of the counselor relationship, but it doesn't say that. It also doesn't say that at the time the charge was made that the consent needed to be revoked and it also, potentially, could make it so that the prosecutor could charge a count of rape in the third degree if, in fact, a patient did happen to fall in love with her counselor. That isn't your intent is it?"

Senator Craswell: "No, that wasn't the intent, but I think of course, if the person falls in love with a counselor, they are not going to be bringing charges."

Senator Halsan: "They don't bring the charges, the prosecutor does."

Senator Craswell: "I see. I really don't think it would be a problem, but I certainly would consider an amendment if you have a solution to that."

Senator Halsan: "I'd have to sit down and work on writing one."

Senator Craswell: "I would just say that there seems to be a problem out there, because we keep hearing over and over again that the counselor is taking advantage of the counselee and there seems to be nothing that could be done about it."

Senator Halsan: "Perhaps we could put some language that the consent was gained through--I'd have to take a look at it."

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Halsan, do you know of any prosecutor that has ever brought a charge unless he has been notified about somebody falling in love with a counselor?"

Senator Halsan: "Well, I don't know about that specifically. That is not in the statute right now, but I have known situations in which charges have been brought that both the victim and the alleged perpetrator have both wanted the prosecutor not to proceed."

Senator Rasmussen: "There are many other major crimes they could be working on, I agree with you. However, I think Senator Craswell's amendment is very clear that if the counselor did engage in sexual efforts with the client, that they would be considered raping in the third degree. I think that's very clear."

Further debate ensued.

#### POINT OF INQUIRY

Senator Kiskaddon: "Senator Craswell, my concern would be and, hopefully, Senator Halsan will be able to come up with some language, that it could well be that the counselling relationship was the first relationship and then they did fall in love--the counselling stopped, the relationship changed and then the person got angry at some point down stream and said, 'He raped me.' I would see that as a kind of scenario that would make it very difficult to really sort out what was there."

"I've always believed that if we want to have a way of stopping sexual activity with counselors and their clients, that to call it a crime is certainly much better than the registration bill that we passed. I guess what I'd really like--the best

alternative would be to teach everybody in this state that if you do have sex with your counselor or your therapist, recognize it's not therapy and it's your business what you do. If there is no force involved, than you are free to choose regardless of your emotional condition--that you clearly know going in that that's not therapy and you chose to engage in some activity, well, then it's your responsibility. So, that would be, for me, the best solution, that if we could work it out in some way that it becomes a crime, that would be much better than believing that the registration bill that we passed will do any good. Senator Craswell, as you very well pointed out, licensed physiologists and psychiatrists have been licensed for years and that has not stopped this particular practice."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Craswell to the Committee on Ways and Means amendment.

The motion by Senator Craswell carried and the amendment to the committee amendment was adopted.

The President declared the question before the Senate to be adoption of the Committee on Ways and Means amendment, as amended.

The Committee on Ways and Means amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Talmadge, the following title amendments were considered simultaneously and adopted:

On page 1, line 1 of the title, after "sentencing;" strike the remainder of the title and insert "amending RCW 9.94A.030, 9.94A.180, 9.94A.360, 9.94A.400, 9A.32.010, and 9.94A.320; reenacting and amending RCW 9.94A.120; adding a new section to chapter 9A.32 RCW; and prescribing penalties."

On page 37, line 30 of the title amendment, after "9A.32.010," strike the remainder of the title amendment and insert "9A.44.010, 9.94A.320, 9.94A.370, 9.94A.390, 9.94A.440, 9A.46.060, 9A.88.030, 13.40.020, 13.40.110, and 70.125.030; reenacting and amending RCW 9.94A.120 and 9A.04.080; adding a new section to chapter 9A.32 RCW; adding new sections to chapter 9A.44 RCW; creating a new section; repealing RCW 9A.44.070, 9A.44.080, and 9A.44.090; prescribing penalties; providing an effective date; and declaring an emergency."

On page 37, line 30 of the title amendment, after "9A.32.010," strike all material down through "penalties." on page 38, line 3 and insert "9.94A.320, 9.61.190, 9.61.200, 19.91.020, 27.12.340, and 73.16.020; reenacting and amending RCW 9.94A.120; adding a new chapter to Title 7 RCW; adding a new section to chapter 9A.32 RCW; creating a new section; repealing RCW 9.61.210, 9.04.030, 9.12.030, 9.45.040, 9.45.120, 9.45.150, 9.58.100, 9.58.110, and 38.40.140; prescribing penalties; and providing an effective date."

On page 37, line 30 of the title amendment, strike "and 9.94A.320" and insert ", 9.94A.320, and 9.41.300"

On page 37 of the committee amendment, line 30, strike "and" and after "9.94A.320" insert ", 46.20.285, 46.61.520, and 46.61.522"

On page 37, line 30 of the title amendment, after "9A.32.010," strike "and 9.94A.320" and insert "9.94A.320, and 9.41.010"

On page 38, line 2 of the title amendment, after "9A.32 RCW;" insert "adding a new section to chapter 9.41 RCW; adding a new section to chapter 43.101 RCW;"

On page 1, line 1 of the title, after "amending" insert "RCW 9A.44.010, 9A.44.060"

On page 1, line 2 of the title, after "9.94A.400;" add "defining crimes; prescribing penalties;"

On motion of Senator Talmadge, the rules were suspended, Second Substitute House Bill No. 684, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Second Substitute House Bill No. 684, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Second Substitute House Bill No. 684, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent, 2.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalfe, Moore, Nelson, Newhouse, Owen, Parterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vogndild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senator Pullen - 1.

Absent: Senators Bluechel, Hayner - 2.

SECOND SUBSTITUTE HOUSE BILL NO. 684, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1158, by Committee on Commerce and Labor (originally sponsored by Representatives Wang, Schmidt, Zellinsky, Vekich, Fisch, J. Williams and Ferguson)

Establishing a liquor license for qualified duty free exporters to sell beer and wine to vessels for consumption outside the state of Washington.

The bill was read the second time.

#### MOTION

Senator Warnke moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 66.24 RCW to read as follows:

(1) There shall be a license to be designated as a class S license to qualified duty free exporters authorizing such exporters to sell beer and wine to vessels for consumption outside the state of Washington.

(2) To qualify for a license under subsection (1) of this section, the exporter shall have:

(a) An importer's basic permit issued by the United States bureau of alcohol, tobacco, and firearms and a customs house license in conjunction with a common carriers bond;

(b) A customs bonded warehouse, or be able to operate from a foreign trade zone; and

(c) A notarized signed statement from the purchaser stating that the product is for consumption outside the state of Washington.

(3) The license for qualified duty free exporters shall authorize the duty free exporter to purchase from a brewery, winery, beer wholesaler, wine wholesaler, beer importer, or wine importer licensed by the state of Washington.

(4) Beer and/or wine sold and delivered in this state to duty free exporters for use under this section shall be considered exported from the state.

(5) The fee for this license shall be one hundred dollars per annum.

(6) The board may by rule, establish procedures for the sale, in accordance with normal commercial practices, of nonliquor products as defined in RCW 82.08.0293 by persons licensed under this chapter.

Sec. 2. Section 3, chapter 62, Laws of 1933 ex. sess. as last amended by section 5, chapter 78, Laws of 1984 and RCW 66.04.010 are each amended to read as follows:

In this title, unless the context otherwise requires:

(1) "Alcohol" is that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is commonly produced by the fermentation or distillation of grain, starch, molasses, or sugar, or other substances including all dilutions and mixtures of this substance. The term "alcohol" does not include alcohol in the possession of a manufacturer or distiller of alcohol fuel, as described in RCW 66.12.130, which is intended to be denatured and used as a fuel for use in motor vehicles, farm implements, and machines or implements of husbandry.

(2) "Beer" means any malt beverage or malt liquor as these terms are defined in this chapter.

(3) "Brewer" means any person engaged in the business of manufacturing beer and malt liquor.

(4) "Board" means the liquor control board, constituted under this title.

(5) "Club" means an organization of persons, incorporated or unincorporated, operated solely for fraternal, benevolent, educational, athletic or social purposes, and not for pecuniary gain.

(6) "Consume" includes the putting of liquor to any use, whether by drinking or otherwise.

(7) "Dentist" means a practitioner of dentistry duly and regularly licensed and engaged in the practice of his profession within the state pursuant to chapter 18.32 RCW.

(8) "Distiller" means a person engaged in the business of distilling spirits.

(9) "Druggist" means any person who holds a valid certificate and is a registered pharmacist and is duly and regularly engaged in carrying on the business of pharmaceutical chemistry pursuant to chapter 18.64 RCW.

(10) "Drug store" means a place whose principal business is, the sale of drugs, medicines and pharmaceutical preparations and maintains a regular prescription department and employs a registered pharmacist during all hours the drug store is open.

(11) "Employee" means any person employed by the board, including a vendor, as hereinafter in this section defined.

(12) "Fund" means 'liquor revolving fund.'

(13) "Hotel" means every building or other structure kept, used, maintained, advertised or held out to the public to be a place where food is served and sleeping accommodations are offered for pay to transient guests, in which twenty or more rooms are used for the sleeping accommodation of such transient guests and having one or more dining rooms where meals are served to such transient guests, such sleeping accommodations and dining rooms being conducted in the same building and buildings, in connection therewith, and such structure or structures being provided, in the judgment of the board, with adequate and sanitary kitchen and dining room equipment and capacity, for preparing, cooking and serving suitable food for its guests: PROVIDED FURTHER, That in cities and towns of less than five thousand population, the board shall have authority to waive the provisions requiring twenty or more rooms.

(14) "Imprisonment" means confinement in the county jail.

(15) "Liquor" includes the four varieties of liquor herein defined (alcohol, spirits, wine and beer), and all fermented, spirituous, vinous, or malt liquor, or combinations thereof, and mixed liquor, a part of which is fermented, spirituous, vinous or malt liquor, or otherwise intoxicating; and every liquid or solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine or beer, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption, and any liquid, semisolid, solid, or other substance, which contains more than one percent of alcohol by weight shall be conclusively deemed to be intoxicating. Liquor does not include confections or food products that contain one percent or less of alcohol by weight.

(16) "Manufacturer" means a person engaged in the preparation of liquor for sale, in any form whatsoever.

(17) "Malt beverage" or "malt liquor" means any beverage such as beer, ale, lager beer, stout, and porter obtained by the alcoholic fermentation of an infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain or cereal in pure water containing not more than eight percent of alcohol by weight, and not less than one-half of one percent of alcohol by volume. For the purposes of this title, any such beverage containing more than eight percent of alcohol by weight shall be referred to as "strong beer."

(18) "Package" means any container or receptacle used for holding liquor.

(19) "Permit" means a permit for the purchase of liquor under this title.

(20) "Person" means an individual, copartnership, association, or corporation.

(21) "Physician" means a medical practitioner duly and regularly licensed and engaged in the practice of his profession within the state pursuant to chapter 18.71 RCW.

(22) "Prescription" means a memorandum signed by a physician and given by him to a patient for the obtaining of liquor pursuant to this title for medicinal purposes.

(23) "Public place" includes streets and alleys of incorporated cities and towns; state or county or township highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; those parts of establishments where beer may be sold under this title, soft drink establishments, public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theatres, stores, garages and filling stations which are open to and are generally used by the public and to which the public is permitted to have unrestricted access; railroad trains, stages, and other public conveyances of all kinds and character, and the depots and waiting rooms used in conjunction therewith which are open to unrestricted use and access by the public; publicly owned bathing beaches, parks, and/or playgrounds; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public.

(24) "Regulations" means regulations made by the board under the powers conferred by this title.

(25) "Restaurant" means any establishment provided with special space and accommodations where, in consideration of payment, food, without lodgings, is habitually furnished to the public, not including drug stores and soda fountains.

(26) "Sale" and "sell" include exchange, barter, and traffic; and also include the selling or supplying or distributing, by any means whatsoever, of liquor, or of any liquid known or described as beer or by any name whatever commonly used to describe malt or brewed liquor or of wine, by any person to any person; and also include a sale or selling within the state to a foreign consignee or his agent in the state.

(27) "Soda fountain" means a place especially equipped with apparatus for the purpose of dispensing soft drinks, whether mixed or otherwise.

(28) "Spirits" means any beverage which contains alcohol obtained by distillation, including wines exceeding twenty-four percent of alcohol by volume.

(29) "Store" means a state liquor store established under this title.

(30) "Tavern" means any establishment with special space and accommodation for sale by the glass and for consumption on the premises, of beer, as herein defined.

(31) "Vendor" means a person employed by the board as a store manager under this title.

(32) "Winery" means a business conducted by any person for the manufacture of wine for sale, other than a domestic winery.

(33) "Domestic winery" means a place where wines are manufactured or produced within the state of Washington.

(34) "Wine" means any alcoholic beverage obtained by fermentation of fruits (grapes, berries, apples, et cetera) or other agricultural product containing sugar, to which any saccharine substances may have been added before, during or after fermentation, and containing not more than twenty-four percent of alcohol by volume, including sweet wines fortified with wine spirits, such as port, sherry, muscatel and angelica, not exceeding twenty-four percent of alcohol by volume and not less than one-half of one percent of alcohol by volume. For purposes of this title, any beverage containing less than fourteen percent of alcohol by volume when bottled or packaged by the manufacturer shall be referred to as "table wine," and any beverage containing alcohol in an amount equal to or more than fourteen percent by volume when bottled or packaged by the manufacturer shall be referred to as "fortified wine." However, "fortified wine" shall not include: (a) Wines that are both sealed or capped by cork closure and aged two years or more; and (b) wines that contain fourteen percent or more alcohol by volume solely as a result of the natural fermentation process and that have not been produced with the addition of wine spirits, brandy, or alcohol.

This subsection shall not be interpreted to require that any wine be labeled with the designation "table wine" or "fortified wine."

(35) "Beer wholesaler" means a person who buys beer from a brewer or brewery located either within or beyond the boundaries of the state for the purpose of selling the same pursuant to this title, or who represents such brewer or brewery as agent.

(36) "Wine wholesaler" means a person who buys wine from a vintner or winery located either within or beyond the boundaries of the state for the purpose of selling the same not in violation of this title, or who represents such vintner or winery as agent.

Sec. 3, Section 23-R added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as last amended by section 42, chapter 5, Laws of 1981 1st ex. sess. and RCW 66.24.370 are each amended to read as follows:

(1) There shall be a wine retailer's license to be designated as class F license to sell, subject to subsection (2) of this section, table and fortified wine in bottles and original packages, not to be consumed on the premises where sold, at any store other than the state liquor stores: PROVIDED, Such licensee shall pay to the state liquor stores for wines purchased from such stores the current retail price; fee seventy-five dollars per annum: PROVIDED, FURTHER, That a holder of a class A or class B license shall be entitled to the privileges permitted in this section by paying an annual fee of twenty-five dollars for each store.

(2) In counties with a population over three hundred thousand, the board shall issue a restricted class F license, authorizing the licensee to sell only table wine, if the board finds upon issuance or renewal of the license that the sale of fortified wine would be against the public interest. In determining the public interest, the board shall consider at least the following factors:

(a) The likelihood that the applicant will sell fortified wine to persons who are intoxicated;  
 (b) Law enforcement problems in the vicinity of the applicant's establishment that may arise from persons purchasing fortified wine at the establishment; and

(c) Whether the sale of fortified wine would be detrimental to or inconsistent with a government-operated or funded alcohol treatment or detoxification program in the area.

If the board receives no evidence or objection that the sale of fortified wine would be against the public interest, it shall issue or renew the license without restriction, as applicable. The burden of establishing that the sale of fortified wine by the licensee would be against the public interest is on those persons objecting.

(3) Licensees under this section whose business is primarily the sale of wine at retail may provide, free or for a charge, single-serving samples of two ounces or less to customers for the purpose of sales promotion.

NEW SECTION, Sec. 4. A new section is added to chapter 66.16 RCW to read as follows:

No state liquor store in a county with a population over three hundred thousand may sell fortified wine if the board finds that the sale would be against the public interest based on the factors in RCW 66.24.370. The burden of establishing that the sale would be against the public interest is on those persons objecting.

NEW SECTION, Sec. 5. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

#### PARLIAMENTARY INQUIRY

Senator Wojahn: "Mr. President, a point of inquiry. I don't know which amendment Senator Warnke is offering. I've got three on my desk. One of them is a single sheet that contains the snack foods, one is a more substantial sheet that contains snack foods and fortified wine, and then I've got this third one that just includes fortified wine. Now, which one are we on? Is it the single bill?"

## REPLY BY SENATOR WARNKE

Senator Warnke: "Mr. President, the amendment we are on is S3023."

## POINT OF ORDER

Senator Wojahn: "Mr. President, I would challenge the scope and object of subsection (6) of this amendment which deals with snack foods which does not come under a licensor. This is a licensor title which deals with class S licenses for free trade zones for liquor and does not deal with snack foods."

Debate ensued.

## MOTION

On motion of Senator Vognild, further consideration of the striking amendment by Senator Warnke was deferred.

## MOTION

Senator Warnke moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION.** Sec. 1. A new section is added to chapter 66.24 RCW to read as follows:

(1) There shall be a license to be designated as a class S license to qualified duty free exporters authorizing such exporters to sell beer and wine to vessels for consumption outside the state of Washington.

(2) To qualify for a license under subsection (1) of this section, the exporter shall have:

(a) An importer's basic permit issued by the United States bureau of alcohol, tobacco, and firearms and a customs house license in conjunction with a common carriers bond;

(b) A customs bonded warehouse, or be able to operate from a foreign trade zone; and

(c) A notarized signed statement from the purchaser stating that the product is for consumption outside the state of Washington.

(3) The license for qualified duty free exporters shall authorize the duty free exporter to purchase from a brewery, winery, beer wholesaler, wine wholesaler, beer importer, or wine importer licensed by the state of Washington.

(4) Beer and/or wine sold and delivered in this state to duty free exporters for use under this section shall be considered exported from the state.

(5) The fee for this license shall be one hundred dollars per annum.

Sec. 2. Section 3, chapter 62, Laws of 1933 ex. sess. as last amended by section 5, chapter 78, Laws of 1984 and RCW 66.04.010 are each amended to read as follows:

In this title, unless the context otherwise requires:

(1) "Alcohol" is that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is commonly produced by the fermentation or distillation of grain, starch, molasses, or sugar, or other substances including all dilutions and mixtures of this substance. The term "alcohol" does not include alcohol in the possession of a manufacturer or distiller of alcohol fuel, as described in RCW 66.12.130, which is intended to be denatured and used as a fuel for use in motor vehicles, farm implements, and machines or implements of husbandry.

(2) "Beer" means any malt beverage or malt liquor as these terms are defined in this chapter.

(3) "Brewer" means any person engaged in the business of manufacturing beer and malt liquor.

(4) "Board" means the liquor control board, constituted under this title.

(5) "Club" means an organization of persons, incorporated or unincorporated, operated solely for fraternal, benevolent, educational, athletic or social purposes, and not for pecuniary gain.

(6) "Consume" includes the putting of liquor to any use, whether by drinking or otherwise.

(7) "Dentist" means a practitioner of dentistry duly and regularly licensed and engaged in the practice of his profession within the state pursuant to chapter 18.32 RCW.

(8) "Distiller" means a person engaged in the business of distilling spirits.

(9) "Druggist" means any person who holds a valid certificate and is a registered pharmacist and is duly and regularly engaged in carrying on the business of pharmaceutical chemistry pursuant to chapter 18.64 RCW.

(10) "Drug store" means a place whose principal business is, the sale of drugs, medicines and pharmaceutical preparations and maintains a regular prescription department and employs a registered pharmacist during all hours the drug store is open.

(11) "Employee" means any person employed by the board, including a vendor, as hereinafter in this section defined.

(12) "Fund" means 'liquor revolving fund.'

(13) "Hotel" means every building or other structure kept, used, maintained, advertised or held out to the public to be a place where food is served and sleeping accommodations are offered for pay to transient guests, in which twenty or more rooms are used for the sleeping

accommodation of such transient guests and having one or more dining rooms where meals are served to such transient guests, such sleeping accommodations and dining rooms being conducted in the same building and buildings, in connection therewith, and such structure or structures being provided, in the judgment of the board, with adequate and sanitary kitchen and dining room equipment and capacity, for preparing, cooking and serving suitable food for its guests: PROVIDED FURTHER, That in cities and towns of less than five thousand population, the board shall have authority to waive the provisions requiring twenty or more rooms.

(14) "Imprisonment" means confinement in the county jail.

(15) "Liquor" includes the four varieties of liquor herein defined (alcohol, spirits, wine and beer), and all fermented, spirituous, vinous, or malt liquor, or combinations thereof, and mixed liquor, a part of which is fermented, spirituous, vinous or malt liquor, or otherwise intoxicating; and every liquid or solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine or beer, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption, and any liquid, semisolid, solid, or other substance, which contains more than one percent of alcohol by weight shall be conclusively deemed to be intoxicating. Liquor does not include confections or food products that contain one percent or less of alcohol by weight.

(16) "Manufacturer" means a person engaged in the preparation of liquor for sale, in any form whatsoever.

(17) "Malt beverage" or "malt liquor" means any beverage such as beer, ale, lager beer, stout, and porter obtained by the alcoholic fermentation of an infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain or cereal in pure water containing not more than eight percent of alcohol by weight, and not less than one-half of one percent of alcohol by volume. For the purposes of this title, any such beverage containing more than eight percent of alcohol by weight shall be referred to as "strong beer."

(18) "Package" means any container or receptacle used for holding liquor.

(19) "Permit" means a permit for the purchase of liquor under this title.

(20) "Person" means an individual, copartnership, association, or corporation.

(21) "Physician" means a medical practitioner duly and regularly licensed and engaged in the practice of his profession within the state pursuant to chapter 18.71 RCW.

(22) "Prescription" means a memorandum signed by a physician and given by him to a patient for the obtaining of liquor pursuant to this title for medicinal purposes.

(23) "Public place" includes streets and alleys of incorporated cities and towns; state or county or township highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; those parts of establishments where beer may be sold under this title, soft drink establishments, public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theatres, stores, garages and filling stations which are open to and are generally used by the public and to which the public is permitted to have unrestricted access; railroad trains, stages, and other public conveyances of all kinds and character, and the depots and waiting rooms used in conjunction therewith which are open to unrestricted use and access by the public; publicly owned bathing beaches, parks, and/or playgrounds; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public.

(24) "Regulations" means regulations made by the board under the powers conferred by this title.

(25) "Restaurant" means any establishment provided with special space and accommodations where, in consideration of payment, food, without lodgings, is habitually furnished to the public, not including drug stores and soda fountains.

(26) "Sale" and "sell" include exchange, barter, and traffic; and also include the selling or supplying or distributing, by any means whatsoever, of liquor, or of any liquid known or described as beer or by any name whatever commonly used to describe malt or brewed liquor or of wine, by any person to any person; and also include a sale or selling within the state to a foreign consignee or his agent in the state.

(27) "Soda fountain" means a place especially equipped with apparatus for the purpose of dispensing soft drinks, whether mixed or otherwise.

(28) "Spirits" means any beverage which contains alcohol obtained by distillation, including wines exceeding twenty-four percent of alcohol by volume.

(29) "Store" means a state liquor store established under this title.

(30) "Tavern" means any establishment with special space and accommodation for sale by the glass and for consumption on the premises, of beer, as herein defined.

(31) "Vendor" means a person employed by the board as a store manager under this title.

(32) "Winery" means a business conducted by any person for the manufacture of wine for sale, other than a domestic winery.

(33) "Domestic winery" means a place where wines are manufactured or produced within the state of Washington.

(34) "Wine" means any alcoholic beverage obtained by fermentation of fruits (grapes, berries, apples, et cetera) or other agricultural product containing sugar, to which any saccharine substances may have been added before, during or after fermentation, and containing not more than twenty-four percent of alcohol by volume, including sweet wines fortified with wine spirits, such as port, sherry, muscatel and angelica, not exceeding twenty-four percent of alcohol by volume and not less than one-half of one percent of alcohol by volume. For purposes of this title, any beverage containing less than fourteen percent of alcohol by volume when bottled or packaged by the manufacturer shall be referred to as "table wine," and any beverage containing alcohol in an amount equal to or more than fourteen percent by volume when bottled or packaged by the manufacturer shall be referred to as "fortified wine." However, "fortified wine" shall not include: (a) Wines that are both sealed or capped by cork closure and aged two years or more; and (b) wines that contain fourteen percent or more alcohol by volume solely as a result of the natural fermentation process and that have not been produced with the addition of wine spirits, brandy, or alcohol.

This subsection shall not be interpreted to require that any wine be labeled with the designation "table wine" or "fortified wine."

(35) "Beer wholesaler" means a person who buys beer from a brewer or brewery located either within or beyond the boundaries of the state for the purpose of selling the same pursuant to this title, or who represents such brewer or brewery as agent.

(36) "Wine wholesaler" means a person who buys wine from a vintner or winery located either within or beyond the boundaries of the state for the purpose of selling the same not in violation of this title, or who represents such vintner or winery as agent.

Sec. 3. Section 23-R added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as last amended by section 42, chapter 5, Laws of 1981 1st ex. sess. and RCW 66.24.370 are each amended to read as follows:

(1) There shall be a wine retailer's license to be designated as class F license to sell, subject to subsection (2) of this section, table and fortified wine in bottles and original packages, not to be consumed on the premises where sold, at any store other than the state liquor stores: PROVIDED, Such licensee shall pay to the state liquor stores for wines purchased from such stores the current retail price; fee seventy-five dollars per annum: PROVIDED, FURTHER, That a holder of a class A or class B license shall be entitled to the privileges permitted in this section by paying an annual fee of twenty-five dollars for each store.

(2) In counties with a population over three hundred thousand, the board shall issue a restricted class F license, authorizing the licensee to sell only table wine, if the board finds upon issuance or renewal of the license that the sale of fortified wine would be against the public interest. In determining the public interest, the board shall consider at least the following factors:

(a) The likelihood that the applicant will sell fortified wine to persons who are intoxicated;

(b) Law enforcement problems in the vicinity of the applicant's establishment that may arise from persons purchasing fortified wine at the establishment; and

(c) Whether the sale of fortified wine would be detrimental to or inconsistent with a government-operated or funded alcohol treatment or detoxification program in the area.

If the board receives no evidence or objection that the sale of fortified wine would be against the public interest, it shall issue or renew the license without restriction, as applicable. The burden of establishing that the sale of fortified wine by the licensee would be against the public interest is on those persons objecting.

(3) Licensees under this section whose business is primarily the sale of wine at retail may provide, free or for a charge, single-serving samples of two ounces or less to customers for the purpose of sales promotion.

**NEW SECTION, Sec. 4.** A new section is added to chapter 66.16 RCW to read as follows:

No state liquor store in a county with a population over three hundred thousand may sell fortified wine if the board finds that the sale would be against the public interest based on the factors in RCW 66.24.370. The burden of establishing that the sale would be against the public interest is on those persons objecting.

**NEW SECTION, Sec. 5.** This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

#### POINT OF INQUIRY

Senator Moore: "Senator Warnke, what is the difference between this bill, other than subsection (6) and the previous version?"

Senator Warnke: "There is no difference except that the previous amendment had subsection (6) dealing with non-liquor food products. This amendment does not contain that section."

Senator Moore: "Does it change anything else?"

Senator Warnke: "No, this bill contains the fortified wine bill for the city of Seattle, Spokane, Tacoma and the ship-handlers bill."

The President declared the question before the Senate to be adoption of the second amendment by Senator Warnke.

The motion by Senator Warnke carried and the amendment was adopted.

MOTION

On motion of Senator Vognild, further consideration of Substitute House Bill No. 1158 was deferred.

There being no objection, the President reverted the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

April 7, 1987

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 5035 with the following amendments:

Strike everything after the enacting clause and insert the following:

\*Sec. 1. Section 5, chapter 206, Laws of 1981 and RCW 43.99.115 are each amended to read as follows:

The interagency committee for outdoor recreation shall cease to exist on June 30, ((1987)) 1988, unless extended by law for an additional fixed period of time.

By January 1, 1988, the governor's office shall recommend to the legislature whether the interagency committee for outdoor recreation should be located within an executive department or retained as a separate agency. It is the intent of the legislature to maintain the committee's general structure and independence from those agencies to which it may distribute funds.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 2 of the title, after "recreation;" strike the remainder of the title and insert "amending RCW 43.99.115; and declaring an emergency."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Vognild, the Senate refused to concur in the House amendments to Engrossed Senate Bill No. 5035 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 9, 1987

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5824 with the following amendments:

Strike everything after the enacting clause and insert the following:

\*NEW SECTION. Sec. 1. A new section is added to chapter 9A.36 RCW to read as follows:

(1) A person is guilty of custodial assault if that person is not guilty of an assault in the first or second degree and where the person:

(a) Assaults a full or part-time staff member or volunteer, any educational personnel, any personal service provider, or any vendor or agent thereof at any juvenile corrections institution or local juvenile detention facilities who was performing official duties at the time of the assault; or

(b) Assaults a full or part-time staff member or volunteer, any educational personnel, any personal service provider, or any vendor or agent thereof at any adult corrections institution or local adult detention facilities who was performing official duties at the time of the assault.

(2) Custodial assault is a class C felony.

Sec. 2. Section 7, chapter 257, Laws of 1986 and RCW 9A.36.041 are each amended to read as follows:

(1) A person is guilty of assault in the fourth degree if, under circumstances not amounting to assault in the first, second, or third degree, or custodial assault, he or she assaults another.

(2) Assault in the fourth degree is a gross misdemeanor.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1987.

On page 1, line 2 of the title, after "facilities;" strike the remainder of the title and insert "amending RCW 9A.36.041; adding a new section to chapter 9A.36 RCW; prescribing penalties; providing an effective date; and declaring an emergency."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

Senator Talmadge moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 5824.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Talmadge that the Senate do concur in the House amendments to Substitute Senate Bill No. 5824.

The motion by Senator Talmadge carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 5824.

#### MOTION

On motion of Senator Zimmerman, Senator Bluechel was excused.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5824, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5824, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Bluechel - 1.

SUBSTITUTE SENATE BILL NO. 5824, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 8, 1987

Mr. President:

The House has passed ENGROSSED SENATE JOINT MEMORIAL NO. 8008 with the following amendment:

On page 1, strike everything after line 7 and insert the following:

"WHEREAS, There are approximately five hundred oil spills that contaminate Washington's waters each year; and

WHEREAS, The 1986 Washington State Legislature mandated that the State Department of Ecology appoint an Oil Spill Advisory Committee made up of state and local government agencies, maritime and oil industries, environmental groups, and Indian tribes; and

WHEREAS, The Oil Spill Advisory Committee studied ways by which spills can be prevented and by which spills can be cleaned up more quickly and effectively, and made several recommendations to the Department of Ecology; and

WHEREAS, One recommendation states that the Department of Ecology and the Division of Emergency Management should collaborate with local governments to develop local contingency plans, response agreements, and plans for regular training exercises; and

WHEREAS, The Washington State Legislature agrees that effective local expertise is crucial to the prevention and cleanup of oil spills; and

WHEREAS, The Committee determined that funding for local involvement in oil spill response is needed; and

WHEREAS, The Oil Spill Advisory Committee also recommended that the United States Coast Guard, which has not made oil pollution prevention one of its top priorities, revise its priorities, putting oil spill prevention high on the list; and

WHEREAS, The Oil Spill Advisory Committee recommended that a reevaluation of uses of designated anchorage areas is needed in certain areas of Puget Sound;

NOW, THEREFORE, Your Memorialists respectfully pray that:

(1) The President and Congress of the United States authorize funding for a comprehensive oil spill liability and compensation program, which would plan research into improved local

oil spill response and which would provide local and county reimbursement for oil spill cleanup costs;

(2) The Congress of the United States request that the United States Coast Guard place pollution prevention regulations, and the enforcement of those regulations, high on their list of priorities for operations on the waters of Washington State;

(3) Should the Coast Guard not increase its emphasis on spill prevention, the Congress direct the Washington State Department of Ecology to investigate the legality of, and subsequently develop a program of monitoring fuel transfers;

(4) The Congress encourage the Coast Guard to increase monitoring of oil pollution prevention, and to pursue funding if necessary;

(5) Should the Coast Guard not increase monitoring as recommended, the Congress direct the Washington State Attorney General's Office to investigate state authority to board vessels in the manner of the State of Alaska;

(6) The Congress request that the Coast Guard work with federal, state, county, and local agencies, the private sector, and tribal governments to develop spill contingency plans and joint training exercises;

(7) The Congress request that the Coast Guard Commandant and the 13th Coast Guard District in Seattle designate and control anchorage areas in light of environmental, economic and other considerations; and

(8) The Congress request that the United States Coast Guard develop a working relationship with the Washington State Departments of Ecology, Licensing, and the Puget Sound Water Quality Authority.

BE IT RESOLVED, That copies of this Memorial be immediately transmitted to the Honorable Ronald Reagan, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

#### MOTION

On motion of Senator Kreidler, the Senate concurred in the House amendment to Engrossed Senate Joint Memorial No. 8008.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Joint Memorial No. 8008, as amended by the House.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Joint Memorial No. 8008, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

ENGROSSED SENATE JOINT MEMORIAL NO. 8008, as amended by the House, having received the constitutional majority, was declared passed.

#### MOTION

At 9:27 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 2:02 p.m. by President Cherberg.

There being no objection, the President advanced the Senate to the sixth order of business.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1069, by Committee on Commerce and Labor (originally sponsored by Representatives Unsoeld, Hankins, Allen, Miller, Silver, K. Wilson, Belcher, Hine, Winsley, Fisher, Haugen, Nutley, Leonard, Cantwell, Spanel, Rust, Valle, Rayburn, Holm, Niemi, Brekke, Scott, H. Sommers, L. Smith, Walker, Doty, Rasmussen, Cole, Patrick, P. King and Jesernig)

Eliminating obsolete references to workmen's compensation.

The bill was read the second time.

## MOTION

On motion of Senator Warnke, the rules were suspended, Substitute House Bill No. 1069 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1069.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1069 and the bill passed the Senate by the following vote: Yeas, 44; absent, 5.

Voting ye: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, Metcalf, Moore, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 44.

Absent: Senators McDonald, Owen, Peterson, Rinehart, Williams - 5.

SUBSTITUTE HOUSE BILL NO. 1069, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Bender, Senators Peterson and Stratton were excused.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 706, by Committee on Ways and Means (originally sponsored by Representatives Sayan, Vekich, Ballard, Grimm, Locke, Meyers, Heavey, R. King, O'Brien, P. King, Baugher, Rasmussen, Unsoeld and Todd) (by request of Employment Security Department)

Modifying youth employment and conservation provisions.

The bill was read the second time.

## MOTION

On motion of Senator Kreidler, the rules were suspended, Substitute House Bill No. 706 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 706.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 706 and the bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting ye: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Owen, Rinehart - 2.

Excused: Senators Peterson, Stratton - 2.

SUBSTITUTE HOUSE BILL NO. 706, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 750, by Committee on Commerce and Labor (originally sponsored by Representatives Cole, Patrick and Fisher) (by request of Department of Labor and Industries)

Changing provisions relating to farm contractors' security bonds.

The bill was read the second time.

## MOTION

On motion of Senator Hansen, the rules were suspended, Substitute House Bill No. 750 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 750.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 750 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Talmadge, Tanner, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Owen - 1.

Excused: Senators Peterson, Stratton - 2.

SUBSTITUTE HOUSE BILL NO. 750, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 763, by Committee on Health Care (originally sponsored by Representative Niemi)

Establishing priorities for who may consent to health care for another.

The bill was read the second time.

## MOTION

On motion of Senator Wojahn, the rules were suspended, Substitute House Bill No. 763 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 763.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 763 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Talmadge, Tanner, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Stratton - 1.

SUBSTITUTE HOUSE BILL NO. 763, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 783, by Committee on Agriculture and Rural Development (originally sponsored by Representatives Rasmussen, L. Smith, Rayburn, Baugher, Todd, McLean, Kremen, Doty, Holm, Peery, Jesernig and P. King)

Allowing the Marketing Association of a cooperative to enter into discussions pertaining to milk agreements.

The bill was read the second time.

## MOTION

On motion of Senator Hansen, the rules were suspended, Substitute House Bill No. 783 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 783.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 783 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Stratton - 1.

SUBSTITUTE HOUSE BILL NO. 783, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 843, by Representatives Armstrong and Nelson

Changing provisions relating to the collection of charges for the radiation perpetual maintenance fund.

The bill was read the second time.

## MOTION

On motion of Senator Williams, the rules were suspended, House Bill No. 843 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 843.

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 843 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

HOUSE BILL NO. 843, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 928, by Committee on Natural Resources (originally sponsored by Representatives Spanel, K. Wilson, Schmidt, Meyers, Zellinsky, Cole, Fuhrman, S. Wilson, Belcher, Haugen and Bungarner)

Establishing procedures for leasing lands for commercial harvesting of subtidal hardshell clams.

The bill was read the second time.

## MOTIONS

Senator Owen moved that the following Committee on Natural Resources amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 136, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.96.030 are each amended to read as follows:

(1) The department of natural resources, upon the receipt of an application for a lease for the purpose of planting and cultivating oyster beds or for the purpose of cultivating clams or other edible shellfish, shall notify the director of fisheries of the filing of the application describing the tidelands or beds of navigable waters applied for. The director of fisheries shall cause an inspection of the lands applied for to be made and shall make a full report to the department of natural resources of his findings as to whether it is necessary, in order to protect existing natural oyster beds, and to secure adequate seeding thereof, to retain the lands described in the application for lease or any part thereof, and in the event the director deems it advisable to retain the lands or any part thereof for the protection of existing natural oyster beds or to guarantee the continuance of an adequate seed stock for existing natural oyster beds, the same shall not be subject to lease. However, if the director determines that the lands applied for or any part thereof may be leased, he shall so notify the department of natural resources and the director shall cause an examination of the lands to be made to determine the presence, if any, of natural oysters, clams, or other edible shellfish on said lands, and to fix the rental value of the lands for use for oyster, clam, or other edible shellfish cultivation. In his report to the department, the director shall recommend a minimum rental for said lands and an estimation of the value of the oysters, clams, or other edible shellfish, if any, then present on the lands applied for. The lands approved by the director for lease may then be leased to the applicant for a period of not less than five years nor more than ten years at a rental not less than the minimum rental recommended by the director of fisheries. In addition, before entering upon possession of the land, the applicant shall pay the value of the oysters, clams, or other edible shellfish, if any, then present on the land as determined by the director, plus the expense incurred by the director in investigating the quantity of oysters, clams, or other edible shellfish, present on the land applied for.

(2) The department shall not permit the commercial harvest of subtidal hardshell clams by means of hydraulic escalating when the upland within five hundred feet of any lease tract is zoned for residential development.

NEW SECTION, Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Owen, the following amendment by Senators Owen and Craswell to the Committee on Natural Resources amendment was adopted:

On page 3, line 2 of the Natural Resources Committee amendment after "(2)" delete "The" and insert "When issuing new leases or reissuing existing leases the"

The President declared the question before the Senate to be adoption of the Committee on Natural Resources amendment, as amended.

The motion by Senator Owen carried and the committee amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Owen, the following title amendment was adopted:

On page 1, line 2 of the title, after "clams;" strike the remainder of the title and insert "amending RCW 79.96.030; and declaring an emergency."

On motion of Senator Owen, the rules were suspended, Substitute House Bill No. 928, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 928, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 928, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Loe, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vogndild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE HOUSE BILL NO. 928, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 541, by Representatives Jesernig, Hankins, Madsen, Miller and Todd

Revising provisions on joint operating agencies.

The bill was read the second time.

## MOTION

Senator Williams moved that the following Committee on Energy and Utilities amendment be adopted:

On page 5, line 1, insert the following:

"NEW SECTION: Sec. 7. Sections 1 through 6 expire December 31, 1992."

Renumber the remaining sections consecutively

Debate ensued.

Senator Williams demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the Committee on Energy and Utilities amendment.

## ROLL CALL

The Secretary called the roll and the motion by Senator Williams failed and the committee amendment was not adopted by the following vote: Yeas, 21; nays, 26; absent, 2.

Voting yea: Senators Bauer, Bottiger, Conner, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Kreidler, McDermott, Moore, Peterson, Rasmussen, Rinehart, Smitherman, Talmadge, Tanner, Vognild, Warnke, Williams, Wojahn - 21.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Garrett, Hayner, Johnson, Kiskaddon, Lee, McCaslin, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Saling, Sellar, Stratton, von Reichbauer, West, Zimmerman - 26.

Absent: Senators Bender, McDonald - 2.

## MOTION

On motion of Senator Vognild, further consideration of House Bill No. 541 was deferred.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 26 and the pending Committee on Commerce and Labor amendment, deferred April 9, 1987.

## MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Metcalf moved to reconsider the vote by which the amendment by Senator Metcalf on page 12, line 7, to the Committee on Commerce and Labor amendment was adopted.

The President declared the question before the Senate to be the motion by Senator Metcalf to reconsider the vote by which the amendment by Senator Metcalf on page 12, line 7, to the Committee on Commerce and Labor amendment was adopted.

The motion by Senator Metcalf carried and the Senate commenced reconsideration of the amendment by Senator Metcalf on page 12, line 7, to the Committee on Commerce and Labor amendment.

## MOTION

On motion of Senator Metcalf, and there being no objection, the amendment on page 12, line 7, on reconsideration, to the Committee on Commerce and Labor amendment was withdrawn.

## MOTION

Senator McDermott moved that the following amendments to the Committee on Commerce and Labor amendment be considered simultaneously and adopted:

On page 3, line 23, after "shall" strike "not be less than" and insert "((not be less than)) be equal to"

On page 12, after line 7, insert the following:

"Sec. 9. Section 24, chapter 7, Laws of 1982 2nd ex. sess. as amended by section 5, chapter 375, Laws of 1985 and RCW 67.70.240 are each amended to read as follows:

The moneys in the state lottery account shall be used only: (1) For the payment of prizes to the holders of winning lottery tickets or shares; (2) for purposes of making deposits into the reserve account created by RCW 67.70.250 ~~((and)); (3) for purposes of making deposits~~ into the lottery administrative account created by RCW 67.70.260; ~~((3))~~ (4) for purposes of making deposits into the state's general fund ~~((4) for the purchase and promotion of lottery games and game-related services)~~; and (5) for the payment of agent compensation. Payments and deposits under subsections (1) and (2) of this section shall not exceed forty-five percent of the gross annual revenue from the lottery.

The office of financial management shall require the allotment of all expenses paid from the account and shall report to the ways and means committees of the senate and house of representatives any changes in the allotments."

Renumber the sections consecutively.

On page 12 of the amendment, after line 33, insert the following:

"Sec. 10. Section 26, chapter 7, Laws of 1982 2nd ex. sess. as amended by section 6, chapter 375, Laws of 1985 and RCW 67.70.260 are each amended to read as follows:

There is hereby created the lottery administrative account in the state treasury. The account shall be managed, controlled, and maintained by the director. The legislature may appropriate from the account for the payment of costs incurred in the operation and administration of the lottery, including costs of the purchase and promotion of lottery games and game-related services."

Renumber the sections consecutively.

Debate ensued.

Senator Bauer demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senator McDermott to the Committee on Commerce and Labor amendment.

#### ROLL CALL

The Secretary called the roll and the motion by Senator McDermott carried and the amendments to the committee amendment were adopted by the following vote: Yeas, 26; nays, 20; absent, 3.

Voting yea: Senators Anderson, Bailey, Benitz, Bluechel, Cantu, Craswell, Deccio, Fleming, Garrett, Gaspard, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Pullen, Rasmussen, Rinehart, Talmadge, Williams, Wojahn, Zimmerman - 26.

Voting nay: Senators Barr, Bauer, Bender, Conner, DeJarnatt, Halsan, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Saling, Smitherman, Stratton, Tanner, Vognild, von Reichbauer, Warnke, West - 20.

Absent: Senators Bottiger, Hansen, Sellar - 3.

#### MOTION

Senator Bauer moved that the following amendments by Senators Bauer, Patterson and Tanner to the Committee on Commerce and Labor amendment be considered simultaneously and adopted:

On page 3, beginning on line 25 of the committee amendment, after "lottery," strike all new material down to but not including "(ii)" on line 28

On page 11, beginning on line 8 of the committee amendment, after "be" strike all material down to but not including "and" on line 12 and insert "retained in the state lottery fund for further use as prizes"

#### POINT OF ORDER

Senator Craswell: "Mr. President, I would raise the point of order that this amendment has been voted on. Twice the body has made the decision to put the unclaimed prize money into the school construction fund and this would change that without a reconsideration of the vote."

Debate ensued.

#### RULING BY THE PRESIDENT

President Cherberg: "Members of the Senate, ladies and gentlemen, in ruling upon Senator Craswell's point of order, the Craswell amendments were adopted in the affirmative and the President believes the body concluded their decision in addressing that issue, therefore, Senator Craswell's point is well taken. The President believes that Senator Bauer's amendments are out of order unless someone reconsiders the vote by which Senator Craswell's amendments were adopted."

## MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Patterson moved to reconsider the vote by which the amendments by Senators Craswell, Gaspard, Bailey, Patterson and Rasmussen on page 3, line 27, and page 11, line 10, to the Committee on Commerce and Labor amendment were adopted on April 9, 1987.

Debate ensued.

## PARLIAMENTARY INQUIRY

Senator West: "Mr. President, I don't believe on the date that Senator Craswell's amendments were adopted that there was notice of reconsideration given to the body."

## REPLY BY THE PRESIDENT

President Cherberg: "Senator West, the President has established in the Washington State Senate that when a bill is held over, that the reconsideration will be in order at any time."

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Patterson to reconsider the vote by which the amendments by Senators Craswell, Gaspard, Bailey, Patterson and Rasmussen to the Committee on Commerce and Labor amendment were adopted.

## ROLL CALL

The Secretary called the roll and the motion by Senator Patterson for reconsideration carried by the following vote: Yeas, 26; nays, 22; absent, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, McDermott, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognlid, von Reichbauer, Warnke, Williams, Wojahn - 26.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Garrett, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Pullen, Rasmussen, Saling, West, Zimmerman - 22.

Absent: Senator Kreidler - 1.

The Senate commenced reconsideration of the amendments by Senators Craswell, Gaspard, Bailey, Patterson and Rasmussen on page 3, line 27, and page 11, line 10, to the Committee on Commerce and Labor amendment.

Debate ensued.

Senator Craswell demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendments, on reconsideration, by Senators Craswell, Gaspard, Bailey, Patterson and Rasmussen on page 3, line 27 and page 11, line 10, to the Committee on Commerce and Labor amendment.

## ROLL CALL

The Secretary called the roll and the amendments, on reconsideration, to the committee amendment were not adopted by the following vote: Yeas, 22; nays, 27.

Voting yea: Senators Anderson, Bailey, Benitz, Bluechel, Cantu, Craswell, Garrett, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, West, Zimmerman - 22.

Voting nay: Senators Barr, Bauer, Bender, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Kreidler, McDermott, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognlid, Warnke, Williams, Wojahn - 27.

There being no objection, the Senate resumed consideration of the amendments by Senators Bauer, Patterson and Tanner on page 3, line 25 and page 11, line 8.

Debate ensued.

## POINT OF ORDER

Senator Lee: "Mr. President, if I understand correctly and this is a point of order, if the Bauer amendments are defeated, that the amendment will be as it came out of committee which had the money in the Housing Trust Fund?"

## REPLY BY THE PRESIDENT

President Cherberg: "That is correct."

The President declared the question before the Senate to be adoption of the amendments by Senators Bauer, Patterson and Tanner to the Committee on Commerce and Labor amendment.

The motion by Senator Bauer carried and the amendments to the committee amendment were adopted.

## MOTION

Senator McDonald moved that the following amendment by Senators McDonald and Garrett to the Committee on Commerce and Labor amendment be adopted:

On page 9 of the amendment, after line 25, insert the following:

"Sec. 5. Section 7, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.070 are each amended to read as follows:

No license as an agent to sell lottery tickets or shares may be issued to any person to engage in business exclusively as a lottery sales agent. Before issuing a license the director shall consider such factors as: (1) The financial responsibility and security of the person and his business or activity, (2) the accessibility of his place of business or activity to the public, (3) the sufficiency of existing licenses to serve the public convenience, ~~((and))~~ (4) the volume of expected sales, and (5) conformance to local zoning codes.

Before issuing a license, the director shall provide written notice to the executive bodies of the counties, cities, and towns in which the person requesting a license proposes to sell tickets. If the appropriate executive body notifies the lottery within 30 days that the location to be licensed is not in conformance with local zoning codes, the director shall deny the license.

For purposes of this section, the term "person" means an individual, association, corporation, club, trust, estate, society, company, joint stock company, receiver, trustee, assignee, referee, or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of individuals. "Person" does not mean any department, commission, agency, or instrumentality of the state, or any county or municipality or any agency or instrumentality thereof, except for retail outlets of the state liquor control board.

Renumber the remaining sections consecutively.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators McDonald and Garrett to the Committee on Commerce and Labor amendment.

The motion by Senator McDonald carried and the amendment to the committee amendment was adopted on a rising vote.

## MOTION

Senator Warnke moved that the following amendment by Senators Warnke and Smitherman to the Committee on Commerce and Labor amendment be adopted:

On page 15, after line 36, insert the following:

"Sec. 14. Section 3, chapter 89, Laws of 1980 and RCW 43.51.380 are each amended to read as follows:

Recognizing the fact that the demand for park services is greatest in our urban areas, that parks should be accessible to all Washington citizens, that the urban poor cannot afford to travel to remotely located parks, that few state parks are located in or near urban areas, that a need exists to conserve energy, and that local governments having jurisdiction in urban areas cannot afford the costs of maintaining and operating the extensive park systems needed to service their large populations, the legislature hereby directs the interagency committee for outdoor recreation to place a high priority on the acquisition, development, redevelopment, and renovation of parks ~~((to be))~~ located in or near urban areas ~~((and to))~~ that will be particularly accessible to and used by the populations of those areas. For purposes of RCW 43.51.380 and 43.51.385, "urban areas" mean any incorporated city with a population of five thousand persons or greater or any county ~~((with a population density of two hundred fifty persons per square mile))~~ of the second class or greater. ~~((This section shall be implemented by January 1, 1981.))~~

Sec. 15. Section 6, chapter 5, Laws of 1965 as last amended by section 54, chapter 57, Laws of 1985 and RCW 43.99.060 are each amended to read as follows:

There is created the outdoor recreation account in the state treasury, in which shall be deposited all moneys received from the marine fuel tax refund account pursuant to RCW 43.99.070, the proceeds of the bond issue authorized by chapter 12, Laws of 1963, extraordinary

session, all proceeds transferred from the state lottery account pursuant to section 18 of this 1987 act, and any moneys made available to the state of Washington by the federal government for outdoor recreation not specifically designated for another fund or agency. All earnings of investments of balances in the outdoor recreation account shall be credited to the general fund.

Grants, gifts, or other financial assistance awarded or designated for a particular purpose, or proceeds received from public bodies as administrative cost contributions, may be received and, when appropriated by the legislature, may be expended in accordance with the general budget and accounting act.

**NEW SECTION, Sec. 16.** A new section is added to chapter 43.99 RCW to read as follows:

Moneys transferred to the outdoor recreation account from the state lottery account shall be used solely for the acquisition, development, redevelopment, and renovation of urban area parks as defined in RCW 43.51.380.

Sec. 17. Section 24, chapter 7, Laws of 1982 2nd ex. sess. as amended by section 5, chapter 375, Laws of 1985 and RCW 67.70.240 are each amended to read as follows:

The moneys in the state lottery account shall be used only: (1) For the payment of prizes to the holders of winning lottery tickets or shares; (2) for purposes of making deposits into the reserve account created by RCW 67.70.250 and into the lottery administrative account created by RCW 67.70.260; (3) for purposes of making deposits into the state's general fund; (4) for the purpose of making deposits into the outdoor recreation account pursuant to section 18 of this 1987 act; ~~(5)~~ for the purchase and promotion of lottery games and game-related services; and ~~((5))~~ (6) for the payment of agent compensation.

The office of financial management shall require the allotment of all expenses paid from the account and shall report to the ways and means committees of the senate and house of representatives any changes in the allotments.

**NEW SECTION, Sec. 18.** A new section is added to chapter 67.70 RCW to read as follows:

The commission may conduct one lottery game each year for the benefit of urban area parks. The commission shall transfer the net proceeds received from the sale of lottery tickets or shares under this game to the outdoor recreation account created by RCW 43.99.060."

Renumber the remaining sections and correct any internal references accordingly.

#### POINT OF ORDER

Senator Craswell: "Mr. President, I would like to challenge the amendment on scope and object. I think as we see the explanation of the amendment that it does expand the benefits for the lottery to go to specific programs. It allows one game per year to go to urban area parks. Right now the lottery only goes into the general fund and I think it's clear to see from the title amendment, that the title has been severely expanded."

#### MOTION

On motion of Senator Vognild, further consideration of Engrossed Substitute House Bill No. 26 was deferred.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 359 and the pending Committee on Ways and Means amendments, deferred after being ruled in order, April 8, 1987.

#### MOTION

Senator Zimmerman moved that the following amendments by Senators Zimmerman and Bauer to the Committee on Ways and Means amendments be adopted:

On page 3, line 24, after "August 9," delete "1971" and insert "~~((1971))~~ 1972"

On page 3, line 36, after "of" delete "twelve" and insert "~~((twelve))~~ ten"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senators Zimmerman and Bauer to the Committee on Ways and Means amendments.

The motion by Senator Zimmerman failed and the amendments to the committee amendments were not adopted.

President Pro Tempore Rasmussen assumed the chair.

## MOTION

Senator Zimmerman moved that the following amendment by Senators Zimmerman and Bauer to the Committee on Ways and Means amendments be adopted:

On page 8, after line 23, insert the following:

"NEW SECTION. Sec. 12. A new section is added to chapter 2.12 RCW to read as follows:

(1) If a member has at least ten years as a judge eligible for membership under this chapter but has not completed twelve years, such member may use as service that time performing pro tempore service and as a district court judge after leaving active service toward eligibility for a partial pension under RCW 2.12.012.

(2) A member eligible under subsection (1) of this section shall pay the necessary employer and employee contributions plus interest as determined by the director of the department of retirement systems on such pro tempore and district court service. The contributions required shall be based on that salary last received while an active member."

Renumber the sections consecutively.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senators Zimmerman and Bauer to the Committee on Ways and Means amendments.

The motion by Senator Zimmerman failed and the amendment to the committee amendments was not adopted.

## MOTION

Senator Metcalf moved that the following amendments by Senators Metcalf and Rasmussen to the Committee on Ways and Means amendments be considered simultaneously and adopted:

On page 18, line 25, strike "three" and insert "two"

On page 18, line 25, after "to" strike "three" and insert "two"

On page 19, line 27, strike subsection (3)

Renumber remaining subsections.

Debate ensued.

Senator Vognild assumed the chair.

Further debate ensued.

President Pro Tempore Rasmussen assumed the chair.

Senator Moore demanded a roll call and the demand was sustained.

## MOTION

On motion of Senator Zimmerman, Senator Benitz was excused.

The President Pro Tempore declared the question before the Senate to be adoption of the amendments by Senator Metcalf to the Committee on Ways and Means amendments.

## ROLL CALL

The Secretary called the roll and the motion by Senator Metcalf failed and the amendments to the committee amendments were not adopted by the following vote: Yeas, 23; nays, 24; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Cantu, Craswell, Deccio, Fleming, Garrett, Hansen, Johnson, Kiskaddon, McCaslin, McDonald, Metcalf, Nelson, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, West, Williams, Wojahn - 23.

Voting nay: Senators Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Gaspard, Halsan, Hayner, Kreidler, McDermott, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, Zimmerman - 24.

Absent: Senator Lee - 1.

Excused: Senator Benitz - 1.

## MOTION

Senator Bottiger moved that the following amendment to the Committee on Ways and Means amendments be adopted:

On page 18, line 28, after "service" and before the period, insert "": PROVIDED, That such allowance shall not exceed seventy-five percent of final compensation"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senator Bottiger to the Committee on Ways and Means amendments.

The motion by Senator Bottiger carried and the amendment to the committee amendments was adopted on a rising vote.

President Cherberg assumed the chair.

The President declared the question before the Senate to be adoption of the Committee on Ways and Means amendments, as amended.

Debate ensued.

#### PERSONAL PRIVILEGE

Senator Metcalf: "Thank you, Mr. President, a point of personal privilege. Referring to those making a large noise, I happen to be a two percenter. This is for the record, I am a two percenter, not a three percenter."

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the Committee on Ways and Means amendments, as amended.

#### ROLL CALL

The Secretary called the roll and the Committee on Ways and Means amendments, as amended, were adopted by the following vote: Yeas, 27; nays, 21; excused, 1.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Hayner, Kreidler, McDermott, Moore, Newhouse, Owen, Peterson, Rinehart, Sellar, Stratton, Talmadge, Tanner, Vognlid, Warnke, Williams, Zimmerman - 27.

Voting nay: Senators Anderson, Bailey, Barr, Cantu, Craswell, Garrett, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Patterson, Pullen, Rasmussen, Saling, Smitherman, von Reichbauer, West, Wojahn - 21.

Excused: Senator Benitz - 1.

#### MOTIONS

On motion of Senator Vognlid, the following title amendments were considered simultaneously and adopted:

On page 1, line 2 of the title, strike "and 2.10.160" and insert "2.12.030, 41.40.010, 41.40.620, 41.40.650, and 41.40.330"

On page 1, line 3 of the title, strike "a new section" and insert "new sections"

On page 1, line 4 of the title, after "2.10.150" and before the period insert "and 2.10.160"

On motion of Senator Vognlid, the rules were suspended, Engrossed Substitute House Bill No. 359, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 359, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 359, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 32; nays, 16; excused, 1.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hayner, Johnson, Kreidler, Lee, McDermott, Moore, Newhouse, Owen, Peterson, Rinehart, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognlid, Warnke, West, Williams, Wojahn, Zimmerman - 32.

Voting nay: Senators Anderson, Bailey, Barr, Cantu, Craswell, Hansen, Kiskaddon, McCaslin, McDonald, Metcalf, Nelson, Patterson, Pullen, Rasmussen, Saling, von Reichbauer - 16.

Excused: Senator Benitz - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 359, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 26, and the pending amendment by Senators Warnke and

Smitherman on page 15, line 36, to the Committee on Commerce and Labor amendment, deferred earlier today.

#### RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Craswell, the President finds that Engrossed Substitute House Bill No. 26 is a measure reauthorizing the lottery for five years, requiring legislative approval of multi-state lotteries requiring the lottery to offer forty-five percent of the gross annual revenue in prizes and transferring unclaimed prizes to the general fund.

"The amendment proposed by Senators Warnke and Smitherman authorizes the Lottery Commission to conduct one lottery game each year for the benefit of urban area parks.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senators Warnke and Smitherman to the committee amendment was ruled out of order.

The President declared the question before the Senate to be adoption of the Committee on Commerce and Labor amendment, as amended.

The Committee on Commerce and Labor amendment, as amended, was adopted on a rising vote.

#### MOTIONS

On motion of Senator Warnke, the following title amendments were considered simultaneously and adopted:

On page 1, line 1 of the title, after "lottery;" strike the remainder of the title and insert "amending RCW 67.70.010, 67.70.040, 67.70.050, 67.70.055, 67.70.120, 67.70.180, 67.70.190, 67.70.200, 67.70.250, 67.70.300, 67.70.320, 67.70.330, and 67.70.900; repealing RCW 67.70.020; prescribing penalties; and declaring an emergency."

On page 16 of the amendment, line 21 of the title, strike "67.70.250," and insert "67.70.240, 67.70.250, 67.70.260."

On page 16 of the amendment, line 20 of the title, after "67.70.055" insert "67.70.070"

On motion of Senator Warnke, the rules were suspended, Engrossed Substitute House Bill No. 26, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 26, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 26, as amended by the Senate, and the bill failed to receive the constitutional 60% majority by the following vote: Yeas, 27; nays, 21; excused, 1.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Kiskaddon, McCaslin, Moore, Owen, Patterson, Peterson, Rasmussen, Smitherman, Stratton, Talmadge, Tanner, Vogtild, von Reichbauer, Warnke, West, Wojahn - 27.

Voting nay: Senators Anderson, Bailey, Bluechel, Cantu, Craswell, Garrett, Hayner, Johnson, Kreidler, Lee, McDermott, McDonald, Metcalf, Nelson, Newhouse, Pullen, Rinehart, Saling, Sellar, Williams, Zimmerman - 21.

Excused: Senator Benitz - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 26, as amended by the Senate, having failed to receive the constitutional 60% majority, was declared lost.

#### NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator McDermott served notice that he would move to reconsider the vote by which Engrossed Substitute House Bill No. 26, as amended by the Senate, failed to pass the Senate.

President Pro Tempore Rasmussen assumed the chair.

## MOTION FOR RECONSIDERATION

Having served prior notice, Senator McDermott moved to immediately reconsider the vote by which Engrossed Substitute House Bill No. 26, as amended by the Senate, failed to pass the Senate.

## PARLIAMENTARY INQUIRY

Senator Pullen: "Mr. President, a point of parliamentary inquiry, is that a suspension of the rules and does it take a two-thirds vote?"

## REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Rasmussen: "I think it would, yes."

## MOTION

On motion of Senator McDermott, and there being no objection, the motion for immediate reconsideration was withdrawn.

## SECOND READING

ENGROSSED HOUSE BILL NO. 959, by Representatives L. Smith, Haugen, Ferguson, Bumgarner and Brough

Specifying powers of initiative and referendum for cities and towns.

The bill was read the second time.

## MOTIONS

Senator Halsan moved that the following Committee on Governmental Operations amendment be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION.** Sec. 1. A new section is added to chapter 35.21 RCW to read as follows:

The voters of every first class city with a city charter that does not grant the powers of initiative and referendum, and the voters of every second class city, third class city, town, and code city, except those noncode cities with fewer than five hundred inhabitants, are granted the powers of initiative and referendum on city or town ordinances as provided in this act notwithstanding the form or plan of government under which the city or town operates. This act shall not affect the powers of initiative and referendum granted to the voters of a first class city by a city charter. Initiative or referendum action in a second class city, third class city, or town may be taken only on those powers that are granted expressly to the city or town.

**NEW SECTION.** Sec. 2. A new section is added to chapter 35.21 RCW to read as follows:

Initiative and referendum petitions shall be in the form prescribed in RCW 35A.01.040, except for the restriction on the color of the paper on which the petition is printed. The minimum required number of signatures by registered voters of the city or town on a referendum or initiative petition is equal to fifteen percent of the number of persons listed as registered voters within the city or town on the day of the last preceding city or town general election. Petitions shall be filed with the city or town clerk who shall forward the petitions to the county auditor immediately upon receipt. The auditor shall ascertain the validity of the signatures and certify the sufficiency of the petitions to the city clerk.

Elections shall be conducted as provided in general election law.

Sec. 3. Section 35.17.260, chapter 7, Laws of 1965 and RCW 35.17.260 are each amended to read as follows:

Ordinances may be initiated by petition of electors of the city or town filed with the ((**commission**)) council. If the petition accompanying the proposed ordinance is signed by the required number of registered voters in the city ((equal in number to twenty-five percent of the votes cast for all candidates for mayor at the last preceding city election)) or town, and if it contains a request that, unless passed by the ((**commission**)) council, the ordinance be submitted to a vote of the people, the ((**commission**)) council shall either:

(1) Pass the proposed ordinance without alteration within twenty days after the ((city clerk's certificate)) county auditor has certified that the number of valid signatures on the petition are sufficient; or

(2) Immediately after the ((clerk's certificate of sufficiency is attached to the petition, cause to be called)) county auditor has certified that the number of valid signatures on the petition are sufficient, request that the county legislative authority call a special election to be held ((not less than thirty nor more than)) at the next special election date provided in RCW 29.13.030 sixty days or more thereafter, for submission of the proposed ordinance without alteration, to a vote of the people ((unless a general election will occur within ninety days, in which event submission must be made thereat)).

Approval of the initiative ballot proposition by a simple majority vote shall result in the ordinance being adopted immediately upon the certification of the election results.

Sec. 4. Section 2, chapter 81, Laws of 1973 1st ex. sess. and RCW 35A.11.090 are each amended to read as follows:

Ordinances of ~~((noncharter code))~~ cities ~~((the qualified electors of which have elected to exercise the powers of initiative and referendum))~~ and towns shall not go into effect before thirty days from the time of final passage and are subject to referendum during the interim except:

- (1) Ordinances initiated by petition;
- (2) Ordinances necessary for immediate preservation of public peace, health, and safety or for the support of city or town government and its existing public institutions which contain a statement of urgency and are passed by unanimous vote of the council;
- (3) Ordinances providing for local improvement districts or utility local improvement districts;
- (4) Ordinances appropriating money;
- (5) Ordinances providing for or approving collective bargaining;
- (6) Ordinances providing for the compensation of or working conditions of city or town employees; and
- (7) Ordinances authorizing or repealing the levy of taxes; which excepted ordinances shall go into effect as provided by the general law or by applicable sections of Title 35 or 35A RCW as now or hereafter amended.

Land use and zoning matters shall not be subject to initiative or referendum action.

Sec. 5. Section 35.17.240, chapter 7, Laws of 1965 and RCW 35.17.240 are each amended to read as follows:

Upon the filing of a referendum petition, that has been certified as having sufficient valid signatures, praying therefor, the ~~((commission))~~ council shall reconsider an ordinance subject to referendum and upon reconsideration shall defeat it in its entirety or shall submit it to a vote of the people. The operation of an ordinance so protested against shall be suspended until the referendum petition is finally found insufficient or until the ordinance protested against has received a majority of the votes cast thereon at the election. If the council does not defeat the ordinance in its entirety, the council shall request that the county legislative authority call a special election for submission of the referendum to a vote of the people to be held at the next special election date provided in RCW 29.13.030 sixty or more days after the petition has been certified as being sufficient. Approval of the referendum ballot proposition by a simple majority vote shall defeat the ordinance in its entirety.

Sec. 6. Section 35.17.290, chapter 7, Laws of 1965 and RCW 35.17.290 are each amended to read as follows:

If the ~~((clerk))~~ county auditor finds ~~((the))~~ an initiative or referendum petition insufficient, or if the ~~((commission))~~ council refuses either to pass an initiative ordinance or ~~((order))~~ to request an election thereon, or if the council refuses either to repeal the ordinance in its entirety or to request an election on the referendum, any ((taxpayer)) city or town voter may commence an action in the superior court against the city or town, or against the county auditor if the failure to take any of these actions is due to a determination by the auditor that the petition bears insufficient signatures, and procure a decree ordering an election to be held in the city or town for the purpose of voting upon the proposed ordinance, or voting on the referendum, if the court finds the petition to ((be)) have sufficient valid signatures.

Sec. 7. Section 35.17.300, chapter 7, Laws of 1965 and RCW 35.17.300 are each amended to read as follows:

~~((Publication of notice, the election, the canvass of the returns and declaration of the results, shall be conducted in all respects as are other city elections.))~~ Any number of proposed ordinances or referenda may be voted on at the same election, but there shall not be more than one special election for that purpose during any one six-months period.

Sec. 8. Section 35.24.210, chapter 7, Laws of 1965 and RCW 35.24.210 are each amended to read as follows:

The enacting clause of all ordinances in a third class city shall be as follows: "The city council of the city of . . . . . do ordain as follows:"

No ordinance shall contain more than one subject and that must be clearly expressed in its title.

No ordinance or any section thereof shall be revised or amended unless the new ordinance sets forth the revised ordinance or the amended section at full length.

No ordinance and no resolution or order shall have any validity or effect unless passed by the votes of at least four councilmen.

~~((No ordinance shall take effect until five days after the date of its publication unless otherwise provided in this title.))~~

Every ordinance which passes the council in order to become valid must be presented to the mayor; if he approves it, he shall sign it, but if not, he shall return it with his written objections to the council and the council shall cause his objections to be entered at large upon the journal and proceed to a reconsideration thereof. If upon reconsideration five members of the

council voting upon a call of yeas and nays favor its passage, the ordinance shall become valid notwithstanding the mayor's veto. If the mayor fails for ten days to either approve or veto an ordinance, it shall become valid without his approval.

Every ordinance shall be signed by the mayor and attested by the clerk.

Sec. 9. Section 10, chapter 42, Laws of 1982 1st ex. sess. and RCW 39.88.090 are each amended to read as follows:

General obligation bonds which are issued to finance public facilities that are specified in the public improvement ordinance, and for which part or all of the principal or interest is paid by tax allocation revenues, shall be subject to the following requirements:

(1) The intent to issue such bonds and the maximum amount which the sponsor contemplates issuing are specified in the public improvement ordinance; and

(2) A statement of the intent of the sponsor to issue such bonds is included in all notices required by RCW 39.88.040 and 39.88.050.

In addition, the ordinance or resolution authorizing the issuance of such general obligation bonds shall be subject to potential referendum approval by the voters of the issuing entity when the bonds are part of the non-voter approved indebtedness limitation established pursuant to RCW 39.36.020. If the voters of the county or city issuing such bonds otherwise possess the general power of referendum on county or city matters, the ordinance or resolution shall be subject to that procedure. If the voters of the county or city issuing such bonds do not otherwise possess the general power of referendum on county or city matters, the referendum shall conform to the requirements and procedures for referendum petitions provided for ((code)) cities and towns in ((RCW 35A.11.100)) chapter 35A.11 RCW.

NEW SECTION. Sec. 10. RCW 35.17.260, 35A.11.090, 35.17.240, 35.17.290, and 35.17.300, as amended by this act, are each recodified as sections in chapter 35.21 RCW.

NEW SECTION. Sec. 11. The following acts or parts of acts are each repealed:

(1) Section 35.17.230, chapter 7, Laws of 1965 and RCW 35.17.230;

(2) Section 35.17.250, chapter 7, Laws of 1965 and RCW 35.17.250;

(3) Section 35.17.270, chapter 7, Laws of 1965 and RCW 35.17.270;

(4) Section 35.17.280, chapter 7, Laws of 1965 and RCW 35.17.280;

(5) Section 35.17.310, chapter 7, Laws of 1965 and RCW 35.17.310;

(6) Section 35.17.320, chapter 7, Laws of 1965 and RCW 35.17.320;

(7) Section 35.17.330, chapter 7, Laws of 1965 and RCW 35.17.330;

(8) Section 35.17.340, chapter 7, Laws of 1965 and RCW 35.17.340;

(9) Section 35.17.350, chapter 7, Laws of 1965 and RCW 35.17.350;

(10) Section 35.17.360, chapter 7, Laws of 1965 and RCW 35.17.360;

(11) Section 1, chapter 81, Laws of 1973 1st ex. sess., section 18, chapter 18, Laws of 1979 ex. sess. and RCW 35A.11.080; and

(12) Section 3, chapter 81, Laws of 1973 1st ex. sess. and RCW 35A.11.100."

On motion of Senator Halsan, the following amendment to the Committee on Governmental Operations amendment was adopted:

On page 1, line 16 of the committee amendment, strike "noncode cities" and insert "towns"

Senator Vognild moved that the following amendment to the Committee on Governmental Operations amendment be adopted:

On page 2, line 9 of the committee amendment, after "to" strike "fifteen" and insert "twenty-five"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senator Vognild to the Committee on Governmental Operations amendment.

The motion by Senator Vognild failed and the amendment to the committee amendment was not adopted.

The President Pro Tempore declared the question before the Senate to be adoption of the Committee on Governmental Operations amendment, as amended.

The motion by Senator Halsan carried and the committee amendment, as amended, was adopted.

## MOTIONS

On motion of Senator Halsan, the following title amendment was adopted:

On line 2 of the title, after "towns;" strike the remainder of the title and insert "amending RCW 35.17.260, 35A.11.090, 35.17.240, 35.17.290, 35.17.300, 35.24.210, and 39.88.090; adding new sections to chapter 35.21 RCW; recodifying RCW 35.17.260, 35A.11.090, 35.17.240, 35.17.290, and 35.17.300; and repealing RCW 35.17.230, 35.17.250, 35.17.270, 35.17.280, 35.17.310, 35.17.320, 35.17.330, 35.17.340, 35.17.350, 35.17.360, 35A.11.080, and 35A.11.100."

On motion of Senator Halsan, the rules were suspended, Engrossed House Bill No. 959, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 959, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 959, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 34; nays, 14; excused, 1.

Voting yea: Senators Anderson, Bailey, Bauer, Bluechel, Cantu, Craswell, Deccio, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Nelson, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, von Reichbauer, Warnke, West, Zimmerman - 34.

Voting nay: Senators Barr, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, McDermott, Moore, Newhouse, Patterson, Vognild, Williams, Wojahn - 14.

Excused: Senator Benitz - 1.

ENGROSSED HOUSE BILL NO. 959, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1132, by Committee on Trade and Economic Development (originally sponsored by Representatives Jesernig, Hankins, Brooks, Vekich, Baugher, Todd, Jacobsen, Unsoeld, Cantwell, Sutherland, Grant, Hine, Rasmussen, Holm, Belcher, Wineberry, Hargrove, Beck, Schoon, Braddock, Amondson, McMullen, Moyer, Rayburn, Locke, Dellwo, Ebersole, Grimm, Prince, Miller, Nealey, P. King, Basich, Ferguson and Spanel)

Providing for diversification of economy of Tri-Cities.

The bill was read the second time.

#### MOTIONS

Senator Smitherman moved that the following Committee on Commerce and Labor amendment be adopted:

Strike everything after the enacting clause and insert the following:

\*NEW SECTION. Sec. 1. (1) The legislature recognizes that the economic base of the Tri-Cities is overly dependent upon congressional appropriations to the Hanford nuclear project. Frequent fluctuations in federal appropriations have resulted in a local economy which is unstable and which has limited flexibility to respond to important shifts in federal policy. Additionally, many jobs in the Tri-Cities area will be permanently lost when the Hanford nuclear reactor ceases operations in 1994. The legislature finds that it is in the best interests of the state and the Tri-Cities area to develop a more balanced and diversified Tri-Cities economy which is better able to meet the long-term employment needs of local citizens.

(2) The department of trade and economic development shall initiate a study to investigate the state's role in the economic diversification of the Tri-Cities economy. The department is authorized to undertake portions of this study by contracting with private firms or through the development of required feasibility studies. The department shall develop the study in conjunction with the department of community development.

(3) The study shall focus on:

(a) The need for expanded higher education capabilities in the Tri-Cities area;

(b) Methods of utilizing the following economic development assets of the Tri-Cities area to diversify the economy:

(i) The large concentration of scientists and engineers;

(ii) An extensive scientific and technological knowledge base;

(iii) The availability of land and real estate;

(iv) The availability of rail, air, and highway transportation; and

(v) Accessibility to outdoor recreational activities;

(c) Methods of addressing the economic development liabilities of the Tri-Cities area, including isolation from major markets, suppliers, and sources of capital;

(d) Potential markets for the Tri-Cities services and products;

(e) The availability of venture capital and other potential funding sources;

(f) The commercialization of federally-developed technology by assisting and promoting the transfer of technology into commercial applications; and

(g) The development of a plan to diversify the industrial base of the Tri-Cities.

(4) The following entities shall be consulted in conducting the study: The Tri-City industrial development council, the administration and faculty of the Tri-City University Center and the Columbia Basin College, the Tri-City visitor and convention bureau, the area chambers of commerce, the area port districts, the cities of Pasco, Kennewick, Richland, West Richland, and Benton City, the United States department of energy, Hanford contractors, the economic development board, the small business export finance center, the small business development corporations established under RCW 28B.30.530, and other relevant state agencies.

(5) The department shall submit a final report to the appropriate standing committees of the legislature no later than January 1, 1988.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Williams, the following amendment to the Committee on Commerce and Labor amendment was adopted:

On page 1, line 7, after "(1)" strike all the language down to and including "citizens." on line 27 and insert the following:

"The legislature recognizes that the economic base of the Tri-Cities is overly dependent upon congressional appropriations to the nuclear activities on the Hanford reservation. Frequent fluctuations in federal appropriations have resulted in a local economy which is unstable and which has limited flexibility to respond to important shifts in federal policy. Additionally, many jobs in the Tri-Cities area may be permanently lost when the Hanford N reactor ceases operations. The legislature finds that it is in the best interests of the state and the Tri-Cities area to develop a more balanced and diversified Tri-Cities economy which is better able to meet the long-term employment needs of local citizens."

On motion of Senator Williams, the following amendment to the Committee on Commerce and Labor amendment was adopted:

On page 3, line 21, after "28B.30.530," insert "the agricultural community"

The President Pro Tempore declared the question before the Senate to be adoption of the Committee on Commerce and Labor amendment, as amended.

The motion by Senator Smitherman carried and the committee amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Smitherman, the following title amendment was adopted:

On page 1, line 2 of the title, after "Cities;" strike the remainder of the title and insert "creating a new section; and declaring an emergency."

On motion of Senator Smitherman, the rules were suspended, Substitute House Bill No. 1132, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1132, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1132, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE HOUSE BILL NO. 1132, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 448, by Committee on Ways and Means (originally sponsored by Representatives Brekke, Winsley, Braddock, Dellwo, H. Sommers, P. King, Wang, Holm, B. Williams, Haugen, Fuhrman, Heavey, L. Smith, Miller and Barnes) (by request of Governor Gardner)

Establishing the family independence program.

The bill was read the second time.

## MOTIONS

Senator Wojahn moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

\*NEW SECTION. Sec. 1. SHORT TITLE. This chapter may be cited as the family independence program.

NEW SECTION. Sec. 2. INTENT. The legislature hereby establishes as state policy the goal of economic independence for employable adults receiving public assistance, through employment, training, and education. The legislature finds that children living in families with incomes below the needs standard have reduced opportunities for physical and intellectual development. A family's economic future is frequently not improved by the current program.

Therefore, in order to break the cycle of poverty and dependence, a family independence program is established. Participating families are to receive benefits under this program at no less than they would otherwise have been entitled to receive.

The legislature finds that the state has a vital interest in ensuring that citizens who are in economic need are provided appropriate financial assistance. It is the intent of the legislature to maintain the existing partnership between state and federal government and that this program remain part of the federal welfare entitlement program. The legislature seeks federal authority for a five-year demonstration project and recognizes that waivers and congressional action may be required to achieve our purpose. The legislature does not seek a block grant approach to welfare.

The legislature recognizes that any program intended to assist new and current public assistance recipients will be more likely to succeed when the state, private sector, and recipients work together.

The legislature also recognizes the value of building on successful programs that utilize the development of networking and mentoring strategies to assist public assistance recipients to gain self-sufficiency. The legislature further encourages public-private cooperation in the areas of job readiness training, education, job training, and work opportunities.

The legislature finds that the goal of economic independence requires increased efforts to assist parents in exercising their children's right to economic support from absent parents.

The legislature recognizes the substantial participation in the workforce of women with preschool children, and the difficulty in reentering employment after long absences.

The legislature further recognizes that public assistance recipients can play a major role in setting their own goals.

The objectives of this chapter are to assure that: The maximum number of recipients of public assistance become independent and self-sufficient through employment, training, and education; financial incentives be available to recipients participating in job readiness, education, training, and work programs; the number of children growing up in poverty be substantially reduced; and unemployable recipients be afforded a basic level of financial and medical assistance consistent with the state's financial capabilities.

NEW SECTION. Sec. 3. DEFINITIONS. Unless the context requires to the contrary, the definitions in this section apply throughout this chapter.

(1) "Benchmark standard" is the basic monthly level of cash benefits, established according to family size, which equals the state's payment standard under the aid to families with dependent children program, plus an amount not less than the full cash equivalent of food stamps for which any family of such size would otherwise be eligible.

(2) "Department" means the department of social and health services.

(3) "Enrollee" means the head(s) of household of a family eligible to receive financial assistance or other services under the family independence program.

(4) "Executive committee" or "committee" means the family independence program executive committee, authorized by and subject to the provisions of this chapter, to make policy recommendations to the legislature and develop procedure, program standards, data collection and information systems for family independence programs, including making budget allocations, setting incentive rates within appropriated funds, setting cost-sharing requirements for child care and medical services, and making related financial reports under chapter 43.88 RCW.

(5) "Family independence program services" include but are not limited to job readiness programs, job creation, employment, work programs, training, education, family planning services, development of a mentor program, income and medical support, parent education, child care, and training in family responsibility and family management skills, including appropriate financial counseling and training on management of finances and use of credit.

(6) "Family opportunity councils" or "councils" means information exchange, networking, and mentoring organizations created through contracts between the department and private nonprofit community organizations providing assistance in self-sufficiency.

(7) "Food stamps" means the food purchase benefit available through the United States department of agriculture.

(8) "Gross income" means the total income of an enrollee from earnings, cash assistance, and incentive benefit payments.

(9) "Incentive benefit payments" means those additional benefits payable to enrollees due to their participation in education, training, or work programs.

(10) "Job-ready" is the status of an enrollee who is assessed as ready to enter job search activities on the basis of the enrollee's skills, experience, or participation in job and education activities in accordance with section 8 of this act.

(11) "Job readiness training" means that training necessary to enable enrollees to participate in job search or job training classes. It may include any or all of the following: Budgeting and financial counseling, time management, self-esteem building, expectations of the workplace (including appropriate dress and behavior on the job), goal setting, transportation logistics, and other preemployment skills.

(12) "Maximum income levels" are those levels of income and cash benefits, both benchmark and incentive, which the state establishes as the maximum level of total gross cash income for persons to continue to receive cash benefits.

(13) "Medical benefits" or "medicaid" are categorically or medically needy medical benefits provided in accordance with Title XIX of the federal social security act. Eligibility and scope of medical benefits under this chapter shall incorporate any hereinafter enacted changes in the medicaid program under Title XIX of the federal social security act.

(14) "Noncash benefits" includes benefits such as child care and medicaid where the family receives a service in lieu of a cash payment related to the purposes of the family independence program.

(15) "Payment standard" is equal to the standard of need or a lesser amount if rateable reductions or grant maximums are established by the legislature. Standard of need shall be based on periodic studies of actual living costs and generally recognized inflation indices and shall include reasonable allowances for shelter, fuel, food, transportation, clothing, household maintenance, and necessary incidentals. The standard of need may take into account the economies of joint living arrangements, but there shall not be proration of any portion of assistance grants unless the amount of the payment standard is equal to the standard of need.

(16) "Placement" means enrollees who have obtained full-time employment (thirty hours or more per week) or part-time employment (less than thirty hours per week), and who remain employed, as verified by a thirty-day followup contact.

(17) "Subsidized employment" means employment for which the family independence program has provided the employer the financial resources, in whole or in part, to compensate an enrollee for the performance of work.

(18) "Unsubsidized employment" means employment for which the family independence program has not provided the employer the financial resources to compensate an enrollee for the performance of work.

**NEW SECTION, Sec. 4. ELIGIBILITY FOR BENEFITS.** (1) Upon implementation of the family independence program, all applicants for public assistance, except persons eligible for assistance under the general assistance—unemployable program, shall be enrolled in the family independence program and shall be eligible to receive financial and medical benefits under the following criteria:

(a) A person who is a "dependent child" as defined in 42 U.S.C. Sec. 606(a) or 42 U.S.C. Sec. 607(a), the caretaker relative(s) with whom the dependent child resides, or a pregnant woman as defined in 42 U.S.C. Sec. 606(b); and

(b) A person whose resources do not exceed those established by the United States department of health and human services at 45 C.F.R. Sec. 233.20(a)(3)(1)(B); and

(c) A person whose income does not exceed the benchmark standard plus appropriate incentive benefit payments established in accordance with this chapter. However, subject to subsection (2) of this section and section 18 of this act, the department may limit family independence program eligibility to exclude those new applicants whose monthly income would render them ineligible for aid to families with dependent children benefits under the payment level in effect at the time of the application. For the purposes of this subsection, a new applicant is a person who has not been a recipient of aid to families with dependent children or an enrollee for ninety days prior to application.

(2) Subject to the availability of funds for family independence program benefits, the department may expand eligibility to authorize family independence program benefits for

additional categories of persons, but the department shall ensure that no person who would be eligible for benefits under the program requirements in place in this state as of January 1, 1988, pursuant to Titles IV-A and XIX of the federal social security act shall be denied financial or medical benefits under this chapter.

**NEW SECTION. Sec. 5. FAMILY INDEPENDENCE PROGRAM—EXECUTIVE COMMITTEE—ADVISORY COMMITTEE—RECORDS—QUORUM—COMPENSATION AND TRAVEL EXPENSES.** (1) The family independence program executive committee is hereby established.

(2) The executive committee shall consist of seven members as follows: The secretary of social and health services, the commissioner of the employment security department, the senior official from each of those agencies who is responsible for the family independence program, an official of the office of financial management, and two nonvoting individuals with children under eighteen years of age who have received public assistance in the past but have subsequently achieved economic independence. The former recipient members of the executive committee shall be selected by the advisory committee. The former recipient representatives on the committee shall hold a nonrenewable term of not more than two years. The former recipient representatives shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(3) The executive committee shall appoint and consult with an advisory committee of not less than ten or more than twenty members broadly representative of business, labor, education, community, enrollee, civic groups, and the public at large. The membership shall be geographically balanced with one-third of the membership composed of enrollees or community members in accordance with section 6 of this act. The advisory committee members shall serve terms of two years. In addition, the speaker of the house of representatives and the president of the senate shall appoint a member of each caucus of the legislature to the advisory committee.

The initial terms of the advisory committee members shall be staggered in a manner determined by the executive committee. In the event of a vacancy on the advisory committee due to death, resignation, or removal of one of the advisory committee members, and upon the expiration of the term of any member, the executive committee shall appoint a successor from a list supplied by the family opportunity councils for a term expiring on the second anniversary of the successor's date of the appointment, except that vacancies in a position appointed by a legislative officer shall be filled by that officer. Advisory committee members may be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(4) If any one of the state offices on the executive committee is abolished, the resulting vacancy on the executive committee shall be filled by the state officer who shall succeed substantially to the power and duties of the abolished office.

(5) The secretary of social and health services shall serve as chairperson of the executive committee. The commissioner of the employment security department shall serve as vice-chairperson. The executive committee shall appoint a secretary who need not be a member of the executive committee.

(6) The secretary of the executive committee shall keep a record of the proceedings of the committee meetings.

(7) Three members of the executive committee constitute a quorum. The executive committee may act on the basis of motions. Motions shall be adopted upon the affirmative vote of a majority of a quorum of members present at any meeting of the executive committee. A vacancy in the membership of the committee does not impair the power of the committee to act under this chapter. However, in the case of a vacancy in one of the offices which constitutes the membership of the committee, the individual acting in the capacity of that officer shall also act as a member of the committee.

(8) The executive committee shall consult with the advisory committee on significant matters before taking action on such matters. Matters of significance include but are not limited to the nature and extent of contracts with private or nonprofit entities, decisions to modify incentive payments, and a right to review and comment upon the employment and child care plans and all reports submitted to the legislature, prior to their submission. The meetings of the executive committee are subject to chapter 42.30 RCW, the open public meetings act. The advisory committee shall study approaches to allow children in poverty to grow up healthy with self-confidence and the ability to break the cycle of dependence that can result from inadequate nutrition, housing, and other basic needs.

**NEW SECTION. Sec. 6. FAMILY OPPORTUNITY COUNCILS.** (1) The executive committee shall establish a family opportunity advisory council in each of the department's regions to make recommendations on the social services, procedures, and income maintenance operations used in the family independence program. The councils shall also assist in providing mentors, mutual self-help, and information on alternatives to welfare dependency. The councils shall include: (a) Individuals currently receiving assistance; (b) individuals with children under eighteen years of age who have received public assistance in the past but have subsequently achieved economic independence; and (c) persons who are board members or employees of nonprofit organizations providing services of the types offered to family independence program recipients, including those with experience in developing self-esteem and individual

motivation. A regional advisory council may establish panels representing specific geographic areas within the region.

(2) Each advisory council shall nominate three persons from which the executive committee shall elect one person from each region to be a member of the advisory committee authorized by section 5 of this act. Appointments shall be for a term of two years. Three regional appointments shall initially be for a term of one year. The regional representatives shall constitute the consumer and enrollee representatives required by section 5 of this act.

(3) Recipients and former recipients may be paid a per diem rate established by the executive committee. Members may be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

**NEW SECTION. Sec. 7. POWERS AND DUTIES.** (1) The executive committee shall direct the employment security department and the department of social and health services, or the appropriate successor agencies, subject to the provisions of this chapter and consistent with available funds, to do the following in order to accomplish the purposes of this chapter:

(a) To carry out and ensure the development of job readiness training, job development activities, subsidize employment in or through public, private, volunteer, and nonprofit agencies, and provide training funds for enrollees prior to and during employment;

(b) To carry out training and education activities as set forth in section 8 of this act;

(c) To allow enrollees, consistent with available appropriations, to receive the incentive benefit payments while attending higher education and vocational institutions;

(d) To fund other related family services, including, but not limited to, child care services for enrollees who participate in the education, training, and work programs authorized by the executive committee;

(e) To receive federal and state funds for the family independence program and to otherwise manage the program so as to operate within legislatively determined funding limitations. However, the executive committee has no authority to alter the benchmark standard established by the legislature;

(f) To determine the level and types of program benefits and incentive benefit payments in accordance with this chapter, together with specific administrative requirements to be met by program enrollees;

(g) To authorize other individuals served under aid to families with dependent children—regular and employable to voluntarily seek enrollee status;

(h) To establish rules for the treatment of earnings and unearned income by enrollees as set forth in section 18 of this act;

(i) To establish administrative sanctions consistent with the criteria set forth in section 15(3) of this act which may be applied to enrollees and the conditions under which program benefits may be reduced or terminated;

(j) To establish due process procedures as set forth in section 11 of this act;

(k) To establish the conditions under which child care and other related social services, including parent education and counseling, will be provided, subject to the following: Any child care provided under this chapter shall be in accordance with statutory child day care licensure requirements;

(l) To provide child care without cost to enrollees whose income is below the maximum authorized income level;

(m) To establish copayment requirements for noncash benefits as set forth in section 10 of this act;

(n) To establish the conditions and terms under which the department may enter into contracts with the public, private, and not-for-profit sectors to provide:

(i) Parenting education for parents;

(ii) Job readiness training;

(iii) Training of state agency employees to work with enrollees in developing plans for self-sufficiency, which include but are not limited to the employability, training, and education plans;

(iv) The development of mentoring programs to provide assistance to current recipients through the use of former recipients; and

(v) Facilitation of family opportunity councils in the geographical areas sited for implementation of the program;

(o) To establish the conditions and terms, and to enter into contracts, under which public, private, and not-for-profit sector jobs will be created and financed by the executive committee and the circumstances under which training for employees or potential employees of public, private, and for-profit employers will be subsidized through the family independence program;

(p) To establish the terms and provisions under which training and job development services may be extended to the absent parent(s) of the children of enrollees;

(q) To establish the frequency and method for redetermining eligibility;

(r) To undertake the acquisition of all such services authorized in this chapter on an exempt basis, as provided in RCW 43.19.1901, from the public bid requirements of RCW 43.19.190 through 43.19.200;

(s) To establish a proposed schedule by geographic area for implementation of the family independence program, which shall be submitted to the legislature by January 1, 1988. Until the family independence program is implemented in a particular geographic area, applicants in that area shall continue to be eligible for benefits under the aid to families with dependent children program and shall have a right to convert to the family independence program when it is available in that area;

(t) To determine methods of administration and do all other things necessary to carry out the purposes of this chapter.

(2) The executive committee with assistance from the appropriate agencies shall promulgate rules in accordance with chapter 34.04 RCW in order to accomplish the purposes of this chapter. Policy decisions of the executive committee that require rule-making shall not be final until the adoption of the necessary rules.

**NEW SECTION, Sec. 8. ENROLLEE PARTICIPATION.** (1) The executive committee may mandate the participation of enrollees in registration and assessment activities unless persons meet the exemption criteria set forth in subsection (2)(d) (i) through (vi) of this section;

(2) The executive committee may mandate the participation of enrollees in education, training, or work activities, subject to the following:

(a) There shall be no mandatory participation of enrollees in education, training, or work activities during the first two years after implementation of this chapter;

(b) The executive committee shall collect and maintain records regarding the number of enrollees awaiting placement in job preparation activities; the number of enrollees who are participating in an education, job training, or other job preparation program; the number of enrollees who are job-ready as defined in this chapter; and the number of enrollees who have obtained placement as defined in this chapter. After the first two years, participation in training, education, or work activities may become mandatory in regions in which the family independence program has been implemented in accordance with this chapter, in which more than fifty percent of the job-ready enrollees obtained placements within three months of the time they became assessed as job-ready, and in which incentive benefit payment levels are set as initially required under section 15 of this act;

(c) If mandatory participation is suspended, it may be suspended by rule on a county or regional basis, but may be retained for a discrete group of enrollees;

(d) When participation in work and training requirements becomes mandatory, the following persons are exempt from the mandatory participation requirement:

(i) One parent with a child under three years of age in the home unless the family has been receiving public assistance for more than three years, in which case the caretaking parent must participate after the child is six months of age;

(ii) New enrollees who are on public assistance for the first time shall not be required to participate in employment, training, or work activities until they have been on public assistance for six months;

(iii) Persons under sixteen years of age or over sixty-four years of age;

(iv) Persons over sixteen years of age who are in high school;

(v) Persons who are incapacitated, temporarily ill, or are needed at home to care for an impaired person;

(vi) A person who is in the third trimester of pregnancy; and

(vii) A person who has not yet been individually notified in writing of the requirement to participate in registration, assessment, work, or training requirements or the expiration of his or her exempt status.

(3) The executive committee may suspend and reinstate, based upon periodic review, the mandatory requirement as affected by the availability of training and job resources.

**NEW SECTION, Sec. 9. TRAINING AND EDUCATION ACTIVITIES.** (1) The department of social and health services and the employment security department shall provide education and training opportunities to enrollees when appropriate, pursuant to the employability plan required in section 19 of this act, and shall emphasize efforts which prepare enrollees for long-term unsubsidized employment and economic independence. This shall include opportunities for: (a) Enrollees who seek to pursue basic remedial education, such as completion of general equivalency diploma, adult basic education, and English proficiency training; (b) enrollees who seek vocational or skills training through on-the-job training or enrollment in a skills training or vocational training program, including those programs at a vocational training institute or community college; and (c) enrollees seeking higher education, including community college and four-year college degrees.

(2) The state agencies shall assure that those enrollees who seek to pursue work, training, and education activities, and those enrollees who are required in accordance with this chapter to so participate, receive a realistic assessment of work, training, and education opportunities and the opportunity to mutually participate in developing an individual self-sufficiency plan. The self-sufficiency plan shall take into account the local labor market and wage levels, as well as the individual's skills, work history, abilities, limitations, financial needs, desires, and interests, and shall specify the activities and services required for completion. The self-sufficiency plan is subject to approval by the state agencies. An enrollee may seek a modification

of the self-sufficiency plan, or an administrative review if mutual agreement cannot be achieved.

(3) Within available funds, the department shall provide for payment of support services including child care and family independence program benefits at the benefit incentive level for education and training as set forth in section 15 of this act to support appropriate training and education programs of enrollees. When the department has approved the funding of such payments for individual's appropriate training or education plan, such funding shall continue, subject to an annual review, for the duration of the individual's participation in the approved training or education program. The executive committee shall establish by rule criteria for funding of appropriate training and education programs.

(4) When support services are unavailable through existing day-care resources, the department shall make efforts to gain services through private and public agencies.

**NEW SECTION. Sec. 10. DUE PROCESS PROCEDURES.** The executive committee shall direct the department of social and health services and the employment security department to adopt rules providing due process of law protections to applicants for and recipients of family independence program benefits. The requirements shall confer protections no less than those which the federal statutes and regulations confer on participants in the food stamp, aid to families with dependent children, and work incentive programs. The protections shall include, but are not limited to, the following:

(1) The departments shall provide adequate advance written notice to applicants or enrollees of any agency action to deny, award, reduce, terminate, increase, or suspend benefits or to change the manner or form of payment or of any agency action requiring the enrollee to take any action. Adequate notice includes a statement of what action the agency intends to take, the reasons for the intended agency action, the specific rules supporting the action, an explanation of the individual's right to request an administrative fair hearing, how to request one, and the circumstances under which assistance is continued pending such a hearing if requested.

(2) Advance notice must be mailed to enrollees at least ten days prior to the date on which the proposed action would become effective.

(3) An applicant or enrollee aggrieved by an action or decision of the departments, including requiring or denying participation in a work, training, or education activity, has the right to request a fair hearing to be conducted by the office of administrative hearings in accordance with chapters 34.12 and 34.04 RCW. The aggrieved person is entitled to all fair hearing rights provided under RCW 74.08.070 and to the right of judicial review therefrom as provided in RCW 74.08.080.

(4) When an enrollee requests a hearing during the advance notice period, the departments shall not implement the challenged action until a written decision is rendered after a hearing. The advance notice period is the period prior to the effective date of the proposed action or ten days from the date of adequate written notice, whichever is later. Any assistance received pending a hearing or hearing decision may be considered to be an overpayment if the decision is against the enrollee.

(5) Financial, food stamp, and medical assistance shall be furnished to eligible individuals in a timely manner and shall be continued regularly to all eligible individuals until they are found to be ineligible. Applications should be disposed of as soon as possible in accordance with 7 C.F.R. Sec. 273.2 (g) and (i) and 45 C.F.R. Sec. 206.10 and no later than thirty days from the date of application unless good cause applies. Prior to denial or termination of family independence program cash or noncash benefits, each family's eligibility for financial assistance, medical assistance, and food stamp benefits shall be determined.

**NEW SECTION. Sec. 11. NONCASH BENEFITS AND REQUIRED FINANCIAL PARTICIPATION.** (1) When an enrollee ceases to receive family independence program cash benefits as a result of increased earnings, the enrollee shall be eligible to receive family independence program noncash child care and medical benefits for a period of one year following the cessation of family independence program cash eligibility.

(2) The executive committee may authorize the department to require financial participation based on income of the enrollee in the cost of the family independence program noncash benefits, but such financial participation requirement shall not exceed twenty-five percent of the cost of the noncash benefit or twenty-five percent of the amount by which the family's income exceeds the maximum income level, whichever is less.

(3) No person may be required to participate in the cost of medical benefits if the person would have been eligible for medicaid benefits at no additional cost under the medically needy income levels or the program requirements in effect as of January 1, 1988.

**NEW SECTION. Sec. 12. LIMITATIONS ON SUBSIDIZED AND UNSUBSIDIZED EMPLOYMENT POSITIONS.** (1) Enrollees referred to subsidized and unsubsidized employment positions established pursuant to this chapter shall not be considered employees of the executive committee or the state solely because of their status as enrollees in the family independence program. Enrollees in subsidized and unsubsidized employment positions established pursuant to this

chapter shall be considered employees of the agency or employer sponsoring their employment. Enrollees in such subsidized and unsubsidized positions shall receive and enjoy the following protections and benefits of the sponsoring employer including, but not limited to, worker's compensation, old age and survivors health insurance, protections of a collective bargaining agreement, sick leave, retirement, medical benefits, vacation leave, and hours of work, provided that these protections and benefits shall not be created by this subsection if such protections and benefits do not already exist. Enrollees in such subsidized and unsubsidized positions shall also be covered for purpose of unemployment compensation, notwithstanding RCW 50.44.040(5) to the contrary.

(2) Subsidized and unsubsidized positions under this chapter to which enrollees are referred shall not be created as a result of, nor result in, any of the following:

(a) Displacement of currently employed workers or authorized positions, for the purpose of employing enrollees, including partial displacement such as reduction in hours of nonovertime work, wages, or other employment benefits;

(b) The filling of subsidized and unsubsidized positions that would otherwise be a promotional opportunity;

(c) The filling of a subsidized or unsubsidized position before compliance with applicable personnel procedures and collective bargaining agreements, including in the instance of subsidized jobs the written concurrence from any affected union representative organization;

(d) The filling of a subsidized or unsubsidized position created by a reduction in work force or change of employers;

(e) A strike, lockout, or other bona fide labor dispute, or a violation of any existing collective bargaining agreement between employees and employers;

(f) Decertification of any bargaining unit;

(g) Creation of a new classification that has the intent or effect of subverting the intent of this section.

(3) Enrollees in subsidized and unsubsidized employment shall not continue participation at a place of employment that is involved in a strike, lockout, or other bona fide labor dispute.

(4) The employment security department shall establish a dispute-resolution process for resolving disagreements arising from this section or other employment-related sections of this chapter.

**NEW SECTION.** Sec. 13. COMPENSATION FOR ENROLLEES. The executive committee shall direct that no enrollee shall be referred to subsidized or unsubsidized employment in which the enrollee would be paid at a rate less than the highest of the following:

(1) The minimum wage set out in section 6 (a)(1) of the fair labor standards act of 1938, as amended, or as established by state law;

(2) The prevailing rate of pay for persons employed in similar occupations by the same employer;

(3) The minimum entrance rate for inexperienced workers in the same occupation with the employer or, if the occupation is new to the employer, the prevailing entrance rate for the occupation among other employers in the area or community, or the applicable minimum rate required by an applicable bargaining agreement; or

(4) The prevailing rate established in accordance with the Davis-Bacon act, as amended, or the service contract act, as amended, for enrollees working in occupations covered by the applicable acts.

**NEW SECTION.** Sec. 14. REPORTS AND EVALUATION. (1) By January 1, 1988, the executive committee shall submit to the legislature:

(a) A child-care plan, which may include creative solutions to assist enrollees in making child-care arrangements;

(b) In consultation with the superintendent of public instruction, a plan for assisting high school students who are parents or pregnant to remain in school or complete their high school education;

(c) A plan for motivating those who are discouraged to seek self-sufficiency through work, education, or training;

(d) An employment plan for enrollees; and

(e) A plan for phased-in implementation of the family independence program.

(2) By January 1, 1988, the legislative budget committee, after consultation with the executive committee, shall submit to the legislature:

(a) An evaluation plan satisfactory to the federal government, including a plan for analysis, within available funds, of:

(i) The costs and effectiveness of the family independence program;

(ii) The extent to which education and training opportunities have led to employment and economic independence;

(iii) The extent to which support services have been provided for such education and training opportunities;

(iv) The impact of support services, training opportunities, and employment on the well-being of the children and families of enrollees;

(v) The impact of the family independence program on the labor market opportunities available to nonenrollees;

(vi) The impact of the family independence program on the early childhood education assistance program;

(vii) A comparison of the family independence program enrollees with a sample of aid to families with dependent children recipients entering assistance between July 1, 1987, through June 30, 1988, to determine the characteristics of the caseloads of the family independence program and the aid to families with dependent children program, including demographic characteristics, employment, training, and educational histories, spells on assistance, and reasons for entry onto and exit from assistance;

(viii) Such administrative and operational factors as may be requested by the executive committee;

(ix) A longitudinal study over time of a sample of public assistance recipients or persons at risk of becoming eligible for assistance, to determine the causes of public dependency and the impact of changes in the economy or of public programs on dependency, work, or other relevant behaviors of the sample population.

(3) The legislative budget committee shall cause the evaluation plan to be implemented subject to legislative approval in a manner that will insure the independence of the evaluation through appropriate arrangements, which may include contracts, with objective evaluators. The evaluation plan and all evaluation products shall receive the review and comment of evaluation advisory groups to be convened by the Washington institute of public policy and which include representatives of the executive committee, appropriate legislative committee staffs, persons from the state's higher education institutions, staff members of the department and the employment security department, recipients, and former recipients. The reviews shall consider relevance to state policy and budget concerns, methodological procedure, implementation, and results.

(4) The first report of this evaluation shall be submitted to the legislature no later than November 16, 1988, and annually thereafter, with a final report due no later than November 15, 1993.

**NEW SECTION, Sec. 15. BENCHMARK STANDARD AND INCENTIVE BENEFIT PAYMENTS.** (1) The legislature shall determine the benchmark standard for enrollees. The legislature may adjust the benchmark standard periodically. However, the department shall promptly pass on to enrollees any increases in federal food stamp program benefits. The executive committee shall designate what portion of the benchmark standard constitutes a cash payment for food stamp benefits and shall ensure that this designation information is regularly provided to recipients. The portion of the benchmark standard and incentive benefit levels that is designated as the cash payment for food stamp benefits shall be excluded as income to the full extent that food stamps are so excluded by current and subsequently enacted state and federal law.

(2) Enrollees shall receive cash assistance which, when added to other income, provides total income not less than the benchmark standard set by the legislature. Enrollees participating in work, education, or training programs shall receive incentive benefit payments which, when added to other income, provides gross income not less than the levels which shall be initially set as follows:

(a) One hundred five percent of the benchmark standard for enrollees participating in training or education programs;

(b) One hundred five percent of the benchmark standard for teenage parents if they stay in school and progress toward graduation and successfully participate in parenting education approved by the office of the superintendent of public instruction or the department;

(c) One hundred fifteen percent of the benchmark standard for enrollees working half time, but the department may authorize a higher incentive benefit payment level for enrollees working part time; and

(d) One hundred thirty-five percent of the benchmark standard for enrollees working full time.

(3) Family independence program cash benefits shall not be available to meet the needs of enrollees for whom participation in the work and training components of the family independence program is mandatory and who refuse without good cause to participate in such programs. However, medical benefits for such sanctioned individuals and payments on behalf of the other members of the family shall be provided. In such cases, payments to the remaining family members may be in the form of protective payee payments unless, after reasonable efforts, the state is unable to locate an appropriate protective payee, in which case the sanctioned individual can be the payee for the remaining family members. A participant under such sanction is eligible for the full benchmark plus appropriate incentive benefit level once he or she participates.

(4) The department, at the direction of the executive committee, may increase or decrease the incentive benefit payment levels based on the availability of funds.

**NEW SECTION, Sec. 16. CURRENT PROGRAM BENEFITS ASSURED.** No applicant for or recipient of family independence program benefits shall receive less financial assistance in family

independence program benefits than the sum of the aid for families with dependent children cash benefits and the cash equivalent of food stamp benefits the applicant would have received under the program requirements of the federal law and under the benefit levels in place as of January 1, 1988, as adjusted to reflect all increases in the federal food stamp allotments and deductions and in the Washington state payment standard for aid to families with dependent children. Funds provided to the state under Title IV-A of the federal social security act and under the federal food stamp program shall be used first to make payments at one hundred percent of the benchmark level to all enrollees of the family independence program in accordance with the state plan, as well as to all recipients of aid to families with dependent children. Any remaining funds provided by the federal government may be used at the state's discretion for incentive payments and services to either enrollees or recipients of aid to families with dependent children in accordance with the purposes of this chapter.

**NEW SECTION. Sec. 17. NONASSISTANCE FOOD STAMPS.** The department shall continue to operate a federal food stamp program for persons who are not receiving family independence program benefits, including applicants awaiting determinations of eligibility for the family independence program.

No group of persons constituting a food stamp household under current food stamp law may receive less in any combination of food stamps and the portion of family independence program benefits designated as the food stamp cash equivalent pursuant to section 13 of this act than the amount for which they would have been eligible in food stamps if the family independence program did not include a cash-out of food stamp benefits.

**NEW SECTION. Sec. 18. DETERMINING FINANCIAL NEED AND TREATMENT OF INCOME.** The department shall establish rules for the determination of financial need and the treatment of income of enrollees consistent with this section.

(1) Income and resources shall be reasonably evaluated and cannot be considered available to an applicant or recipient unless actually available.

(2) The following shall be excluded as income in family independence program eligibility and need determinations: The value of medical benefits, child care, higher education benefits, earned income tax credit, income tax refunds, any housing subsidy, energy assistance, the earnings of a child, retroactive family independence program benefits, the child support exempted by 42 U.S.C. Sec. 657(b) or 42 U.S.C. Sec. 602(a)(8)(vi), and any benefit or moneys that any provision of federal law in effect on January 1, 1988, excludes from being considered income for eligibility for aid to families with dependent children or food stamps or other exclusions which Congress may hereafter enact.

(3) The executive committee may direct the department to establish methods for evaluating that portion of income is considered gross income for persons whose income is earned over a longer period of time than the period in which it is received and for measuring the gross income of self-employed persons.

**NEW SECTION. Sec. 19. ENROLLEE PARTICIPATION.** (1) All enrollees shall register for assessment to evaluate the appropriateness of work, education, or training options for that individual.

(2) For those enrollees who seek to pursue work, training, and education activities, and for those enrollees who are required in accordance with this chapter to so participate, the state agencies and the enrollee shall jointly develop an employability plan which sets forth the participation activity or sequence of activities and the available supportive services. In some instances, the plan may require additional assessment. The plan is subject to the approval of the state agencies. An enrollee may seek a modification of the employability plan, or an administrative review if mutual agreement cannot be achieved.

(3) Appropriate child care and other social services shall be available to enable an enrollee to participate in work, training, or education activities.

(4) Prior to the determination that a mandatory enrollee has refused to cooperate, efforts must be made at conciliation of the dispute consistent with 45 C.F.R. Sec. 224.63.

(5) The agencies shall adopt rules setting forth criteria that provide good cause for an enrollee's refusal to participate in or accept a specific assignment of proposed work, education, or training activities. The criteria shall include, but need not be limited to, the following:

(a) No suitable child care is available without cost to the enrollee;

(b) The assignment is not within the scope of the enrollee's employability plan;

(c) The assignment would have an adverse effect on the physical or mental health of the enrollee;

(d) The distance of the assignment from the enrollee's home makes participation impracticable;

(e) The assignment would result in a loss of income to the enrollee's family;

(f) Exigent personal or family circumstances would interfere with successful participation in the assignment;

(g) The assignment involves conditions which are in violation of applicable health and safety regulations;

(h) The assignment would interrupt a program in process at the undergraduate or vocational level which is reasonably expected to result in economic self-sufficiency; or

(1) The best interests of a child or children in the family would be served by the parent providing full or part-time care in the home due to the particular personal or family circumstances of the enrollee's family.

**NEW SECTION, Sec. 20. IMPLEMENTATION OF PROGRAM.** (1) The family independence program shall not be implemented before February 28, 1988, and shall not be implemented until specifically authorized by the legislature. However, upon the effective date of this section, the executive committee shall be appointed and shall carry out those functions necessary to plan for the implementation of the family independence program, including securing federal approval.

(2) The governor shall report to the legislature at least once each quarter of 1987 on the progress of the executive committee's efforts to secure federal approval of the family independence program.

(3)(a) The governor shall seek congressional action on any federal legislation necessary to implement this chapter. The governor shall seek legislation that provides that any program under this chapter shall be a demonstration project which remains within the federal aid to families with dependent children system under Title IV of the federal social security act.

(b) Any agreements with the federal government necessary to implement the family independence program shall provide that any program under this chapter shall be a demonstration project which remains within the federal aid to families with dependent children system under Title IV of the federal social security act. Such agreements shall provide for waivers from the federal aid to families with dependent children system only to the extent necessary to implement this chapter.

(4) If all proposed agreements between the state and federal governments which are necessary to implement the family independence program have been completed before February 1, 1988, a plan outlining such proposed agreements shall be submitted to the legislature no later than February 7, 1988. If all agreements between the state and federal governments necessary to implement the family independence program have not been completed by February 1, 1988, an implementation plan with the proposed agreements shall be submitted to the senate committee on human services and corrections, the house of representatives committee on human services, and the senate and house of representatives committees on ways and means for consideration. Copies of all such proposed agreements and any proposed changes to state statute shall be submitted to the legislature with the plan. The family independence program shall be implemented only after the legislature has approved the implementation plan and authorized the signing and completion of all federal-state agreements.

(5) Any agreements with the federal government pursuant to this chapter shall provide that such agreements may be canceled by the state or federal government upon six months' notice or immediately upon mutual agreement. If the agreements are canceled, those enrollees in the family independence program who are eligible for the aid to families with dependent children, medicaid, and the food stamp programs shall be converted to those programs.

(6) Subject to the approval of the executive committee, the department of social and health services and the employment security department shall enter into an interagency agreement for carrying out appropriate administrative functions and purposes as required with respect to the family independence program to be undertaken in this state.

(7) The family independence program shall be implemented only in counties of the state in which the average unemployment rate is less than twice the state-wide average. The executive committee may phase-in the program on a regional or county-by-county basis. The executive committee shall phase-in implementation in accordance with the plan outlined in section 7(1)(s) of this act after the legislature has approved the plan.

(8) In at least one region, the executive committee shall use a mandatory monthly reporting system in its implementation of the family independence program. After an appropriate period, the executive committee shall evaluate the cost-effectiveness and the effects on recipients and caseloads of the reporting. The executive committee may discontinue the mandatory monthly reporting system if it determines it not to be cost-effective.

**NEW SECTION, Sec. 21. REFERENCE TO OTHER LAWS.** Unless the language specifically states to the contrary, any reference in this chapter to a provision or requirement of federal law or regulations refers to that provision as of January 1, 1988.

**NEW SECTION, Sec. 22. CAPTIONS.** Section captions as used in this chapter do not constitute any part of the law.

Sec. 23. Section 1, chapter 104, Laws of 1967 ex. sess. as amended by section 102, chapter 3, Laws of 1983 and RCW 43.19.1901 are each amended to read as follows:

The term "purchase" as used in RCW 43.19.190 through 43.19.200, and as they may hereafter be amended, shall include leasing or renting; PROVIDED, That the purchasing, leasing or renting of electronic data processing equipment shall not be included in the term "purchasing" if and when such transactions are otherwise expressly provided for by law.

The acquisition of job services and all other services for the family independence program under chapter 74.-- RCW (sections 1 through 22 of this 1987 act) shall not be included in the term "purchasing" under this chapter.

NEW SECTION. Sec. 24. Sections 1 through 22 of this act shall constitute a new chapter in Title 74 RCW.

NEW SECTION. Sec. 25. Sections 1 through 22 of this act shall expire on June 30, 1989, unless extended by law.

NEW SECTION. Sec. 26. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Senator Kiskaddon moved that the following amendments by Senators Kiskaddon and Anderson to the Committee on Ways and Means amendment be considered simultaneously and adopted:

On page 6, line 9, after "individuals" strike "with children under eighteen years of age"

On page 6, line 14, strike "nonrenewable"

On page 6, line 14, after "of" strike "not more than"

On page 6, line 14, after "years." insert "Terms may be renewed for one additional two-year term."

On page 8, line 5, after "(b) individuals" strike "with children under eighteen years of age"

On page 8, line 17, after "years." insert "Terms may be renewed for one additional two-year term."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendments by Senators Kiskaddon and Anderson to the Committee on Ways and Means amendment.

The motion by Senator Kiskaddon carried and the amendments to the committee amendment were adopted.

The President Pro Tempore declared the question before the Senate to be adoption of the Committee on Ways and Means amendment, as amended.

The motion by Senator Wojahn carried and the committee amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Wojahn, the following title amendment was adopted:

On page 1, beginning on line 1 of the title, after "program;" strike the remainder of the title and insert "amending RCW 43.19.1901; adding a new chapter to Title 74 RCW; and providing an expiration date."

On motion of Senator Wojahn, the rules were suspended, Engrossed Second Substitute House Bill No. 448, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute House Bill No. 448, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute House Bill No. 448, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Decchio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 448, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 586, by Committee on Ways and Means/Appropriations (originally sponsored by Representatives Scott, Lewis, Brekke, Winsley, Leonard, Brough, Betrozoff, R. King, Doty, P. King, Todd, Unsoeld and May)

Providing for comprehensive child protective services.

The bill was read the second time.

## MOTION

On motion of Senator Wojahn, the following Committee on Human Services and Corrections amendment was not adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION.** Sec. 1. The legislature finds that the protection and positive development of children is paramount to the successful functioning and future of this state. It is the intent of the legislature that this goal be supported by continued efforts to prevent child maltreatment.

**NEW SECTION.** Sec. 2. Caseworkers employed in children services shall meet minimum standards established by the department of social and health services. Comprehensive training for caseworkers shall be completed before such caseworkers are assigned to case-carrying responsibilities without direct supervision. Intermittent, part-time, and standby workers shall be subject to the same minimum standards and training.

**NEW SECTION.** Sec. 3. The office of the administrator for the courts, the office of administrative hearings, and the criminal justice training commission shall provide personnel trained by these agencies with instruction in recognizing child abuse and neglect.

**NEW SECTION.** Sec. 4. The department shall, within funds appropriated for this purpose, provide foster parent training as an ongoing part of the foster care program. The department shall contract for a variety of support services to foster parents to reduce isolation and stress, and to increase skills and confidence.

**NEW SECTION.** Sec. 5. The department shall establish and maintain one or more multidisciplinary teams in each state region of the division of children and family services. The team shall consist of at least four persons, selected by the department, from professions which provide services to abused and neglected children and/or the parents of such children. The teams shall be available for consultation on all cases where a risk exists of serious harm to the child and where there is dispute over whether out-of-home placement is appropriate.

**NEW SECTION.** Sec. 6. The department shall, within funds appropriated for this purpose, provide therapeutic day care to children who have been abused or neglected and meet program eligibility criteria.

**NEW SECTION.** Sec. 7. The department of social and health services shall inform victims of child abuse and neglect and their families of the availability of state-supported counseling through the crime victims' compensation program, community mental health centers, domestic violence and sexual assault programs, and other related programs. The department shall assist victims with referrals to these services.

**NEW SECTION.** Sec. 8. The department of social and health services shall, within funds appropriated for this purpose, use a risk assessment tool when investigating child abuse and neglect referrals. The tool shall be used, on a pilot basis, in three local office service areas. The department shall, within funds appropriated for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention.

The department shall report to the senate human services and corrections and the house human services committees and the ways and means committees of the senate and house of representatives on the use of the tool by December 1, 1988. The report shall include recommendations on the continued use and possible expanded use of the tool.

**NEW SECTION.** Sec. 9. The department of social and health services shall, within funds appropriated for this purpose, hire twenty-one full-time equivalent clerical staff to support child protective services caseworkers in fulfilling their responsibilities. The department shall provide child protective services caseworkers with dictation machines and word processing and personal computer equipment that will increase productivity by reducing the time spent processing paperwork.

**NEW SECTION.** Sec. 10. The department of social and health services shall, within funds appropriated for this purpose, contract for forty-five full-time equivalent public health nurses and an equivalent number of homemakers as defined in RCW 74.08.530 to provide prevention and early intervention services and assist in the investigation of low-risk child abuse and neglect referrals.

**NEW SECTION.** Sec. 11. The department of social and health services shall, within funds appropriated for this purpose, establish a Title IV B and E eligibility determination program. The program shall ensure that every child in foster care eligible for federal financial participation is correctly identified.

**NEW SECTION.** Sec. 12. The department of social and health services shall, within funds appropriated for this purpose, provide six additional full-time equivalent assistant attorneys general to provide legal services for child protective services cases.

Sec. 13. Section 8, chapter 49, Laws of 1970 ex. sess. as amended by section 21, chapter 443, Laws of 1985 and RCW 9.69.100 are each amended to read as follows:

(1) ~~((Whoever, having witnessed))~~ A person who witnesses the actual commission of:

(a) ~~A violent offense as defined in RCW 9.94A.030((17))~~ or preparations for the commission of such an offense ~~((or the actual commission of a felony sexual offense or an attempted felony sexual offense, does not as soon as reasonably possible notify the prosecuting attorney, or law enforcement, medical assistance, or other public officials of the state of Washington having jurisdiction over the matter, shall be guilty of a gross misdemeanor. PROVIDED, That nothing in this section shall be so construed to affect existing privileged relationships as provided by law. PROVIDED FURTHER, That the duty to notify a person or agency specified in this subsection shall be met if a person notifies or attempts to provide such notice by telephone or any other means, as soon as reasonably possible.~~

(2) For the purposes of this section, "felony sexual offense" means a sexual offense constituting a class B felony under chapter 9.68A, 9A.44, or 9A.64 RCW);

(b) A sexual offense against a child or an attempt to commit such a sexual offense; or

(c) An assault of a child that appears reasonably likely to cause substantial bodily harm to the child.

shall as soon as reasonably possible notify the prosecuting attorney, law enforcement, medical assistance, or other public officials.

(2) This section shall not be construed to affect privileged relationships as provided by law.

(3) The duty to notify a person or agency under this section is met if a person notifies or attempts to provide such notice by telephone or any other means as soon as reasonably possible.

(4) Failure to report as required by subsection (1) of this section is a gross misdemeanor. However, a person is not required to report under this section where that person has a reasonable belief that making such a report would place that person or another family or household member in danger of immediate physical harm.

**NEW SECTION.** Sec. 14. Sections 1 through 7 of this act shall constitute a new chapter in Title 74 RCW.

**NEW SECTION.** Sec. 15. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION.** Sec. 16. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1987."

#### MOTION

Senator Talmadge moved that the following amendment by Senators Talmadge, Wojahn, Stratton, Nelson, Bailey, Kiskaddon and Vognild be adopted:

Strike everything after the enacting clause and insert the following:

**\*NEW SECTION.** Sec. 1. CHILDREN'S PILOT PROJECT. The legislature finds that the protection and positive development of children is paramount to the successful functioning and future of this state.

(1) The purpose of this act is to prevent child abuse and neglect and to promote the delivery of cost-effective child and family services through the establishment of a pilot project in order to guide the state in establishing a comprehensive system of children and family services state-wide by 1990. The department of social and health services shall implement the pilot project.

(2) The goals of the pilot project are:

(a) To demonstrate delivery of a continuum of services for children and families that will maximize problem prevention, early problem intervention and resolution, and family independence while maintaining the physical safety and emotional well-being of the child;

(b) To demonstrate the use of outcome measures to determine the cost-effectiveness of service components and the system as a whole;

(c) To demonstrate that services can be designed to be appropriate, accessible, and sensitive to the needs of all populations within the community, including minority cultures and ethnic groups;

(d) To eliminate fiscal and process barriers where possible in order to increase efficiency in providing services;

(e) To encourage the conceptual development of a continuum of services model to meet the needs of children and families and to maximize and coordinate available federal, state, and local resources;

(f) To involve local communities, schools, private entities, and other state agencies, including the division of mental health of the department of social and health services, in the future assessment and planning of services in an open and formal way; and

(g) To enhance the provision of quality services through a system of workload management.

(3) The pilot project shall be conducted in the following service areas: The Kent children's service office, the Spokane children's service office, and the Chehalis children's service office.

**NEW SECTION. Sec. 2. CONTINUUM OF SERVICES.** (1) A continuum of services shall consist of the following services: Intake, early intervention, service needs assessment, crisis intervention, family support, intensive family support, foster care, group care, reunification, permanency planning, and adoption support.

(2) The pilot project shall assure broad-based community participation by involving local agencies and professionals in initial and continued planning and by funding contracts and other agreements for services from private and community agencies. Prior to the implementation of local contracts and other agreements, the department shall submit the community participation component of the pilot project implementation plan to a community-based children's services advisory group for review and comment. The advisory group may have been created for the purpose of providing ongoing consultation to the pilot program, or it may be an existing community group which consents to provide ongoing consultation throughout the term of the pilot project. Included shall be the contracting with existing services in the community, such as visiting nurses and other home-based services to provide early preventive and intervention services.

(3) In order to provide services in a continuum: (a) Clients shall enter the system at the least intrusive and most cost-effective level of service appropriate to the needs of the client; (b) client service needs shall be frequently assessed to assure that services continue to be at the least intrusive level appropriate to meet the needs of the client; and (c) guidelines for assessment shall be written and consistently applied throughout the project to assure that service levels may only be skipped under these specific guidelines.

(4) The department of social and health services shall, within funds appropriated for this purpose, use a risk assessment tool when investigating child abuse and neglect referrals. The tool shall be used, on a pilot basis, in three local office service areas. The department shall, within funds appropriated for this purpose, offer community-based services to persons who are determined not to require further state intervention.

**NEW SECTION. Sec. 3. INFORMATION MANAGEMENT SYSTEM.** (1) In order to demonstrate the use of outcome measures, the department of social and health services shall:

(a) Implement at the earliest possible date a management information system for monitoring both baseline and outcome data for this project;

(b) Define and quantify outcomes and determine measurement methods before beginning the descriptive phase of planning;

(c) Collect baseline data as determined by desired outcome measures to include at least the following:

(i) The number of children and families requesting services and a categorization of the problems presented;

(ii) The number of children and families receiving services at each level of service and categorization of the problems presented;

(iii) The number of children and families not receiving services at each level because of service unavailability;

(iv) The average length of stay in each level of foster care;

(v) The average length of stay in each level of group care;

(vi) Documentation of services provided prior to placement;

(vii) If services were not provided prior to placement, documentation of the reason therefor;

(viii) Documentation of services provided during or after placement to assist with reunification;

(ix) If reunification services were not provided during or after placement, documentation of the reason therefor; and

(x) Systematic input from public and private service providers, schools, law enforcement, parents, and children regarding current system functioning;

(d) Set goals, outcomes, and objectives regarding the desired effect of the pilot project as a whole and its individual components; and

(e) Monitor individual service providers and the entire system for progress in meeting goals and objectives.

(2) Information collected under this section shall be maintained for the duration of the pilot project.

(3) The department shall report to the senate and house judiciary committees, the senate and house ways and means committees, the senate human services and corrections committee, and the house social services committee regarding the cost of implementing the management information system prior to implementation.

(4) The department shall adopt rules prescribing standards for the operation of services provided as part of the pilot projects and such other rules as may be necessary for the administration of sections 1 through 6 of this act.

**NEW SECTION, Sec. 4. PILOT PROJECT IMPLEMENTATION.** (1) The pilot project shall commence on January 1, 1988, and shall terminate December 31, 1989. The department of social and health services shall provide a detailed implementation plan to the legislature by October 15, 1987, for review and approval by the joint select committee on children and families. During the planning and implementation phases of the pilot project, the department shall report monthly to the joint select committee on its progress.

(2) The department's implementation plan shall include alternative management models for the pilot project providing for administration of the pilot projects by (a) the local administrator for the courts, (b) the department, (c) a community-based organization, or (d) any combination of these entities.

(3) The implementation plan shall also include a community participation component which describes all contracts and agreements with local agencies and professionals, including the name of the consulting community advisory group required in accordance with section 2(2) of this act.

(4) The implementation plan shall also include criteria and methodology for collecting data necessary for the evaluation in accordance with section 5 of this act.

(5) For purposes of providing services for the pilot projects, the department is authorized to combine funding categories in order to provide for efficient case management to meet the actual needs of children and families.

(6) The department's implementation plan shall also include a proposal for a mechanism establishing a decision-making process when services needed by children and families extend beyond those services available from the division of children and family services.

**NEW SECTION, Sec. 5. PILOT PROJECT EVALUATION.** A final evaluation of the pilot projects shall be conducted by an independent agency under a contract with the legislative budget committee, in consultation with the joint select committee on children and family services. The independent contract agency shall participate in the development of criteria and methods for collecting data necessary for the evaluation, as required by section 4 (4) of this act. The evaluation shall include a comparison of pilot outcomes to the performance of children and family services in comparable areas of the state not served by the pilot project. A report containing the final evaluation analysis shall be given to the joint select committee on children and family services by October 1, 1989.

**NEW SECTION, Sec. 6. JOINT SELECT COMMITTEE ON CHILDREN.** (1) There is established a joint select committee on children and family services to be composed of twelve legislators, three appointed by each caucus of the senate and house of representatives, and four lay members, to be appointed by the governor. The chair of the committee shall rotate annually among the legislative members of the majority parties in the senate and house of representatives. A senate member of the committee shall be the first chair.

(2) The committee shall have the following functions:

(a) To provide oversight in the planning, implementation, and evaluation of the pilot project;

(b) To develop a long-term children's services strategy for the development of an effective, comprehensive coordinated children's services delivery system that will meet the needs of children in the state. The objective of the strategy shall be to (i) define existing service needs of children in Washington state, utilizing existing studies and data sources where appropriate, (ii) identify the kinds of services needed by children and families to meet a minimum standard and level of physical and mental health and safety, (iii) identify the current level of services available and gaps or overlapping services, and (iv) make recommendations to implement an effective comprehensive service delivery system. The joint select committee shall submit an initial strategy to the appropriate committees of the legislature by October 1, 1988;

(c) In formulating the long-term children's services strategy, the joint select committee shall seek input from providers with expertise in children's mental health, health care including prenatal care, adolescent drug and alcohol treatment, education including early childhood education, nonprofit funding sources, child abuse and neglect, child care, dependency, delinquency and the juvenile justice system, family support services, and representatives from minority communities including the migrant worker community, the black community, the native American community, and the Asian community. The committee shall also consult with the governor, the director of revenue, the office of financial management, the director of community development, the superintendent of public instruction, and the secretary of the department of social and health services;

(d) To consult with the Washington council for the prevention of child abuse and neglect regarding the creation of a state-wide data-base clearinghouse. The committee shall report to the appropriate legislative committees regarding the need for and feasibility of a state-wide clearinghouse. If the committee recommends the creation of a clearinghouse, the report shall include alternative designs for a data-base clearinghouse, estimated costs related to both the startup and maintenance of a clearinghouse, potential housing sites for the clearinghouse and placements for terminal links, and funding sources for the clearinghouse;

(3) The strategy under subsection (2)(b) of this section shall include consideration of:

(a) The evaluation findings of the pilot project regarding maximizing the use of effective existing services and programs through the management and coordination among service providers;

(b) The identification of ways to reduce overlapping services and to fill in service gaps through shared service provisions;

(c) Methods to increase the effectiveness, participation, and communication among city, county, state, private nonprofit, and private for profit funding sources in defining and funding the service delivery system; and

(d) The identification and recommendation of state funding priorities for prevention and early intervention activities to meet the needs of children and families;

(4) A final report outlining the long-term children's services strategy and recommendations shall be submitted to the appropriate committees of the legislature by January 1990.

NEW SECTION, Sec. 7. PILOT PROJECT EXPIRATION. Sections 1 through 6 of this act shall expire December 31, 1989.

NEW SECTION, Sec. 8. CHILDREN'S SERVICES WORKERS—HIRING AND TRAINING. Caseworkers employed in children services shall meet minimum standards established by the department of social and health services. Comprehensive training for caseworkers shall be completed before such caseworkers are assigned to case-carrying responsibilities without direct supervision. Intermittent, part-time, and standby workers shall be subject to the same minimum standards and training.

NEW SECTION, Sec. 9. CHILDREN'S SERVICES STAFF TRAINING ACADEMY. The department of social and health services, in conjunction with other appropriate consultants, shall develop a plan for implementation of a children's services staff training academy. The plan shall make provision for completion of a course of training within the first three months of employment and before workers are assigned to case management duties without direct supervision. Provisions for advanced and ongoing training shall be included in the plan. The department of social and health services shall submit a plan to the legislature by November 1, 1987. The report shall include the estimated cost of funding the academy.

NEW SECTION, Sec. 10. CASEWORKER SUPPORT. The department of social and health services shall, within funds appropriated for this purpose, hire twenty-one full-time equivalent clerical staff to support child protective services caseworkers in fulfilling their responsibilities. The department shall provide child protective services caseworkers with dictation machines and word processing and personal computer equipment that will increase productivity by reducing the time spent processing paperwork.

NEW SECTION, Sec. 11. FOSTER CARE. The department shall, within funds appropriated for this purpose, provide foster parent training as an ongoing part of the foster care program. The department shall contract for a variety of support services to foster parents to reduce isolation and stress, and to increase skills and confidence.

NEW SECTION, Sec. 12. MULTIDISCIPLINARY TEAMS. The department shall establish and maintain one or more multidisciplinary teams in each state region of the division of children and family services. The team shall consist of at least four persons, selected by the department, from professions which provide services to abused and neglected children and/or the parents of such children. The teams shall be available for consultation on all cases where a risk exists of serious harm to the child and where there is dispute over whether out-of-home placement is appropriate.

NEW SECTION, Sec. 13. THERAPEUTIC DAY CARE AND TREATMENT. The department shall, within funds appropriated for this purpose, provide therapeutic day care and day treatment to children who have been abused or neglected and meet program eligibility criteria.

NEW SECTION, Sec. 14. COUNSELING REFERRALS. The department of social and health services shall inform victims of child abuse and neglect and their families of the availability of state-supported counseling through the crime victims' compensation program, community mental health centers, domestic violence and sexual assault programs, and other related programs. The department shall assist victims with referrals to these services.

NEW SECTION, Sec. 15. EARLY INTERVENTION SERVICES. The department of social and health services shall, within funds appropriated for this purpose, contract for forty-five full-time equivalent public health nurses and an equivalent number of homemakers as defined in RCW 74.08.530 to provide prevention and early intervention services and assist in the investigation of low-risk child abuse and neglect referrals.

NEW SECTION, Sec. 16. FINANCIAL DETERMINATION. The department of social and health services shall, within funds appropriated for this purpose, establish a Title IV B and E of the social security act eligibility determination program. The program shall ensure that every child in foster care eligible for federal financial participation is correctly identified.

NEW SECTION, Sec. 17. ADDITIONAL ATTORNEYS. The department of social and health services shall, within funds appropriated for this purpose, provide six additional full-time equivalent assistant attorneys general to provide legal services for child protective services cases.

Sec. 18. Section 8, chapter 49, Laws of 1970 ex. sess. as amended by section 21, chapter 443, Laws of 1985 and RCW 9.69.100 are each amended to read as follows:

(1) (~~Whoever, having witnessed~~) A person who witnesses the actual commission of;

~~(a) A violent offense as defined in RCW 9.94A.030((+7)) or preparations for the commission of such an offense, (or the actual commission of a felony sexual offense or an attempted felony sexual offense, does not as soon as reasonably possible notify the prosecuting attorney, or law enforcement, medical assistance, or other public officials of the state of Washington having jurisdiction over the matter, shall be guilty of a gross misdemeanor. PROVIDED: That nothing in this section shall be so construed to affect existing privileged relationships as provided by law. PROVIDED FURTHER: That the duty to notify a person or agency specified in this subsection shall be met if a person notifies or attempts to provide such notice by telephone or any other means, as soon as reasonably possible.~~

~~(2) For the purposes of this section, "felony sexual offense" means a sexual offense constituting a class B felony under chapter 9A.44, 9A.44A, or 9A.64 RCW);~~

~~(b) A sexual offense against a child or an attempt to commit such a sexual offense; or~~

~~(c) An assault of a child that appears reasonably likely to cause substantial bodily harm to the child,~~

~~shall as soon as reasonably possible notify the prosecuting attorney, law enforcement, medical assistance, or other public officials.~~

~~(2) This section shall not be construed to affect privileged relationships as provided by law.~~

~~(3) The duty to notify a person or agency under this section is met if a person notifies or attempts to provide such notice by telephone or any other means as soon as reasonably possible.~~

~~(4) Failure to report as required by subsection (1) of this section is a gross misdemeanor. However, a person is not required to report under this section where that person has a reasonable belief that making such a report would place that person or another family or household member in danger of immediate physical harm.~~

NEW SECTION. Sec. 19. Section headings as used in this chapter do not constitute any part of the law.

NEW SECTION. Sec. 20. Sections 8, 10 through 14, and 19 of this act shall constitute a new chapter in Title 74 RCW.

NEW SECTION. Sec. 21. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 22. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1987."

Debate ensued.

#### POINT OF INQUIRY

Senator Metcalf: "Senator Talmadge, how in this bill are we resolving the very, very difficult question of balancing the rights of the family--to have family, as little as possible, disturbed or disturbed unnecessarily and the rights of the child to be free of abuse? How do you have family authority and protect the child and how is that balance achieved here in the best way possible?"

Senator Talmadge: "Senator Metcalf, in response to the question, some of the more sensitive balancing judgments are contained in Senate Bill No. 5659 which is still over in the House of Representatives. What this bill does that, I think, is very salutary, is to develop the pilot project that we talked about. This was, basically, a bill that had passed the Senate that required a major emphasis on in-home services before the state intervenes to remove a child from the family home. Basically, this is something that has been done in other parts of the United States--Hennepin County, Minneapolis-St. Paul, and has been extraordinarily successful in minimizing state intrusion and keeping down the cost of providing these services.

"Basically, we are looking to models like the home builders program that has been used so successfully around the state. We do the effort in the family home--we try before the state removes the child from the home and that's the policy I think is so critical. We've provided a continuum of services to children so that they get the appropriate least intrusive kinds of services that they need and we provide some training for families in circumstances where there is a family at risk. Certainly, for the CPS case workers, I think if they are more appropriately trained, some of the poor judgments that have been made in times past are not so likely to be true in the future, as we hope. Those are some of the things that I think we have done that--basically the balance--that is a pretty fair one in this bill."

## POINT OF INQUIRY

Senator Anderson: "Senator Talmadge, as I look at the striking amendment, I see several familiar measures that I recognize from working on the original policies that we sent over to the House and not having seen the striking amendment before, are there any references to the risk assessment in this one?"

Senator Talmadge: "It's essentially the same one that was in Senate Bill No. 5553--risk assessment on a pilot basis in the three pilot projects--South King County, Spokane and Chehalis."

Further debate ensued.

## MOTION

On motion of Senator Bottiger, further consideration of Engrossed Second Substitute House Bill No. 586 was deferred.

There being no objection, the Senate resumed consideration of House Bill No. 220 and the pending amendment by Senators Warnke and West on page 1, line 9, deferred April 13, 1987.

## RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Rasmussen: "In ruling upon the point of order raised by Senator Newhouse, the President finds that House Bill No. 220 is a measure making the Public Employees Collective Bargaining Act applicable to printers at the University of Washington.

"The amendment proposed by Senators Warnke and West requires that all the terms and conditions of collective bargaining agreements, except those of public utility districts and port districts, shall remain in effect until the execution of successor agreements.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senators Warnke and West was ruled out of order.

## MOTION

On motion of Senator Warnke, the rules were suspended, House Bill No. 220 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## PARLIAMENTARY INQUIRY

Senator Lee: "Mr. President, a point of inquiry. Are we on the amendments?"

## REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Rasmussen: "No, the amendment was ruled on scope and object."

Senator Lee: "Very good, I just wanted to check. So, we are on final passage?"

President Pro Tempore Rasmussen: "Final passage."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of House Bill No. 220.

## ROLL CALL

The Secretary called the roll on final passage of House Bill No. 220 and the bill passed the Senate by the following vote: Yeas, 26; nays, 23.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McDermott, Moore, Owen, Peterson, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, West, Williams, Wojahn - 26.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, von Reichbauer, Zimmerman - 23.

HOUSE BILL NO. 220, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Second Substitute House Bill No. 586 and the pending striking amendment by Senators

Talmadge, Wojahn, Stratton, Nelson, Bailey, Kiskaddon and Vognild, deferred earlier today.

Debate on the amendment ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senators Talmadge, Wojahn, Stratton, Nelson, Bailey, Kiskaddon and Vognild.

The motion by Senator Talmadge carried and the amendment was adopted.

#### MOTIONS

On motion of Senator Wojahn, the following title amendment was adopted:

On page 1, line 1 of the title, after "neglect;" strike the remainder of the title and insert "amending RCW 9.69.100: adding a new chapter to Title 74 RCW; creating new sections; prescribing penalties; providing an effective date; providing an expiration date; and declaring an emergency."

On motion of Senator Wojahn, the rules were suspended, Engrossed Second Substitute House Bill No. 586, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### MOTION

On motion of Senator Zimmerman, Senator von Reichbauer was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute House Bill No. 586, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute House Bill No. 586, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Böttiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator von Reichbauer - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 586, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 244 and the pending amendment by Senators Nelson, Williams, Pullen, Moore, Newhouse and Warnke on page 1, line 34, to the Committee on Judiciary amendment, deferred April 13, 1987.

#### RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Rasmussen: "In ruling upon the point of order raised by Senator Talmadge, the President finds that Substitute House Bill No. 244 is a measure exempting employment applications and employees' and volunteers' names and addresses from public disclosure.

"The amendment to the Committee on Judiciary amendment proposed by Senators Nelson, Williams, Pullen, Moore, Newhouse and Warnke requires public disclosure by politically active nonprofit organizations.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senators Nelson, Williams, Pullen, Moore, Newhouse and Warnke to the committee amendment was ruled out of order.

The President Pro Tempore declared the question before the Senate to be adoption of the Committee on Judiciary amendment.

The motion by Senator Talmadge carried and the committee amendment was adopted.

## MOTIONS

On motion of Senator Talmadge, the following title amendment was adopted:

On line 1 of title, after "disclosure;" strike the remainder of the title and insert "and amending RCW 46.12.380."

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 244, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 244, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 244, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Tanner, Vognild, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator von Reichbauer - 1.

SUBSTITUTE HOUSE BILL NO. 244, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 7:40 p.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Wednesday, April 15, 1987.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

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